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Against the New Maternalism

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AGAINST THE NEW MATERNALISM

Naomi Mezey*
Cornelia T.L. Pillard**

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INTRODUCTION: LAW AND CULTURE AT ODDS IN THE FAMILY

Parenting is a major preoccupation in law and culture. As a result of efforts of the American women's movement over the past forty years, the legal parent is, for the first time in history, sex-neutral. Our law has abandoned restrictions on women's education, employment, and civic participation that sprang from and reinforced beliefs about the primacy of motherhood as women's best destiny. On the flip side, U.S. law now also generally rejects formal constraints on men's family roles by requiring sex-neutrality of laws regulating custody, adoption, alimony, spousal benefits, and the like. The official de-linking of presumptive parenting roles from a parent's sex is constitutionally enshrined in modern equal protection doctrine, statutory law, and common law. That sex-neutrality is hard won and valuable. It is also, however, woefully incomplete as a form of social change.

Even while the law of parenting is formally sex-neutral, the culture and actual practices of parenting are anything but. There is, to be sure, a nascent and growing popular recognition that mothers can share care with others, including fathers and other men. But the day-to-day nurturing, planning, and care for children and family is, more often than not, done by women. Nearly three quarters of all mothers, whether married or not, are in the labor force.¹ Yet the average working woman spends about twice as much time as the average working man on household chores and the care of children, gets an hour less sleep per night, and spends less time on leisure or sports.²

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- 1. The U.S. Bureau of Labor Statistics reports that, as of 2008, more than seventy percent of women with minor children worked outside the home. BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, *Labor Force Participation of Women and Mothers, 2008* (Oct. 9, 2009), http://www.bls.gov/opub/ted/2009/ted_20091009.htm.
 - 2. See Edmund L. Andrews, *Survey Confirms It: Women Outjuggle Men*, N.Y. TIMES, Sept. 15, 2004, <http://www.nytimes.com/2004/09/15/politics/15labor.html> (reporting results of a BUREAU OF LABOR STATISTICS survey of 21,000 people); *infra* note 17.

Chief Justice Rehnquist's majority opinion in *Nevada v. Hibbs* helps trace the costs of ongoing gendered parenting patterns even in the face of formally sex-neutral laws.³ The Court in *Hibbs* sustained application of the federal family leave law to state employees, notwithstanding state sovereign immunity, because the law was valid Fourteenth Amendment legislation warranted as a remedy for a widespread and persistent pattern of unconstitutional sex discrimination. *Hibbs* elaborates the ways that women's continuing disproportionate share of "second shift" work at home fuels sex stereotypes that, in turn, perpetuate sex discrimination against women in employment and against men in access to family-friendly workplace benefits.⁴ The Court sustained the Family and Medical Leave Act's extension of family leave benefits to men on equal terms with women as an antidote to firmly rooted stereotypes that women's, but not men's, "family duties trump those of the workplace."⁵ Providing men with family leave, the *Hibbs* Court reasoned, would help to change underlying gendered patterns of family care and thereby help to counteract "a self-fulfilling cycle of discrimination"—a cycle that "fostered employers' stereotypical views about women's [lack of] commitment to work and their [lesser] value as employees," as well as "parallel stereotypes" of men's overriding workplace commitment that routinely obstruct men's equal access to family benefits that could encourage them to spend more time parenting.⁶ The radical implication of *Hibbs* is that we cannot end sex discrimination outside the home without changing our beliefs about women's and men's differential attachments to family care within it, and we cannot change those beliefs without actually shifting the allocation of care work within the family.⁷

3. *Nev. Dep't of Human Res. v. Hibbs*, 538 U.S. 721, 724 (2003).

4. *Hibbs*, 538 U.S. at 736. That observation is not new; it has been the topic of substantial writing in law and political theory. See, e.g., JOAN WILLIAMS, *UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT* (2001); Martin Malin, *Fathers and Parental Leave*, 72 *TEX. L. REV.* 1047 (1994).

"Just as the absence of adequate maternal leave policies has been a barrier to women's roles in the workplace, the absence of adequate paternal leave policies has been a barrier to men's roles in the home. Furthermore, as long as parental leave remains de facto maternal leave, work-family conflicts will remain a significant barrier to women's employment and a significant source of discrimination against women."

Malin, *supra*, at 1052. See generally SUSAN MOLLER OKIN, *JUSTICE, GENDER AND THE FAMILY*, 119 (1989).

5. *Hibbs*, 538 U.S. at 731 n.5.

6. *Hibbs*, 538 U.S. at 731 n.5.

7. In this Article we use the terms "family" and "parenting" expansively. Family means all forms of intimate configuration. Parenting means all uncompensated caregiving

Now that it has become increasingly clear that workplace equality for women and household equality for men depend on culturally and legally decoupling family care work from femaleness, it is especially surprising that culture is moving in the opposite direction of law toward a maternalism that powerfully reinvigorates the links between women, parenting, and home care. Today's culture intensively fosters a new maternalism in which the mother is not only assumed to be, but is celebrated as, the default parent. The revived veneration of motherhood and female domesticity is evidenced by, among other things, countless mommy blogs and an outpouring of film, television, cookbooks, novels, magazines, advertising, and political appeals featuring mothers. Private-sector marketing to mothers is a major trend. Political activists across the spectrum have seized upon maternalism to advance their agendas. Legal debates that are relevant to parents of either sex are being popularized as—implicitly or explicitly—about mothering. On the right, Sarah Palin galvanized “Mama Grizzlies” to rally conservatives in the 2010 midterm election. On the left, motherhood is the focus for groups like RadMoms.org, which claims to be “Raising the Revolution!” And in the center, the Internet-based nonprofit organization MomsRising.org harnesses maternalism in support of a battery of legal changes, including several designed to help women reconcile work and family. A new wave of popular portrayals of happy, sassy, and empowered mothers seems to resonate with many women.

Where *Hibbs* acknowledged the role of law in perpetuating structures of gender inequality, we have yet to come to terms with the enormous impact of culture—our shared, ingrained, taken-for-granted ideas and images of mothers and mothering—and the way culture can work at odds with legal reform and perpetuate the disproportionate domestic work of women, fueling sex stereotypes and sex discrimination against women and men. This maternalist culture and the way its ideas are portrayed in the media and performed in our personal lives is not the same thing as the reality of most women's (and men's) lives and the experience of parenthood in the United States; new maternalism is a set of assumptions, fantasies, myths, and stock characters that are based on reality and influence reality, but should not be conflated with it. The basic assumption of maternalism is that mothers (understood as domestic and female) are unique, irreplaceable and the ideal parents. In this Article we foreground the culture and history of new maternalism in order to show how legal reform groups use and celebrate many aspects

work, even when it is done by people who are not parents or on behalf of people who are not children.

of this set of ideas about motherhood in order to sell their policy agendas. While many of the reforms they are selling are laudable, the cultural package they are using to sell them perpetuates sex stereotypes that work at cross-purposes with their important goals.

Motherhood as a core identity for women is not new, but what motherhood means is deeply culturally and historically specific. The current celebratory forms of American motherhood as a core identity for women have not been historically continuous but rather comprise a recently renewed phenomenon that only partly echoes an abandoned, century-old cult of motherhood rooted in a very different time. Putting today's new maternalism in the context of its prominent historical antecedents shows both what is continuous with the past and what is new about maternalism's current iteration.⁸

"Old" maternalism was a significant aspect of the antebellum "cult of domesticity" surrounding white middle and upper-middle class women, and a product of the Industrial Revolution's gendered separate spheres.⁹ It was later the dominant theme of women's political mobilization during the Progressive Era. Even before they had the vote, American women invoked a domestically rooted, maternal, moral, and religious authority to advocate successfully for temperance, against child labor and slavery, and then for women's and children's social welfare programs.¹⁰

Today's maternalist social and legal reform efforts are again mobilizing white middle class mothers as a force for change—whether, as in the case of MomsRising, for better law and policy regarding health benefits, child care, family leave, and flexible work or, in the case of Sarah Palin's Mama Grizzlies, for less government overall. Those efforts at political mobilization are using the cultural forms of new maternalism to revalidate motherhood as a source of pride and moral authority for women. Whereas the cults of domesticity and maternalism of the late eighteenth through early twentieth centuries presumed that motherhood and domesticity were women's destiny, today's versions understand that women can, to a significant extent, choose or eschew those roles. New maternalism takes a more sophisticated, sometimes critical and ironic stance toward motherhood. At bottom, however, new maternalist

8. For an overview of political maternalism, see generally *THE POLITICS OF MOTHERHOOD: ACTIVIST VOICES FROM LEFT TO RIGHT* (Alexis Jetter et al. eds., 1997).

9. NANCY F. COTT, *THE BONDS OF WOMANHOOD: "WOMAN'S SPHERE" IN NEW ENGLAND, 1780–1835* 63 (1977); Barbara Welter, *The Cult of True Womanhood: 1820–1860*, 18 *AM. Q.* 151, 151–74 (1966).

10. See THEDA SKOCPOL, *PROTECTING SOLDIERS AND MOTHERS: THE POLITICAL ORIGINS OF SOCIAL POLICY IN THE UNITED STATES* 2 (1992).

cultural assumptions reinforce the unequal consequences that flow from gendered family roles as they embrace and promote motherhood—and not parenthood or caregiving—as a value, an identity, an occupation, and a basis for political mobilization.¹¹

Many, if not most, of the political organizations that address parenting are directed at mothers.¹² A prominent example of new maternalism is the online group MomsRising. Aimed at legal reform, MomsRising is popular, effective, and media savvy, but its message is fraught with internal tension. MomsRising specifically seeks to alleviate mothers' family-care burdens, but its message, tone, and images are vividly maternalist. That maternal romanticization seems destined to work against the legal reforms for which the group advocates. Instead of building on and propagating the reality that care is, and should be, shared by mothers and others, including male and female relatives or paid care providers,¹³ MomsRising fuels a mythic understanding of mothering that perpetuates deep and unnecessary inequalities between men and women and reinforces traditional understandings of the family. MomsRising advocates for lighter burdens for mothers by making parental leave, child care, and quality after-school programs affordable and readily available, but its new maternalist cultural packaging reinforces the glorification of the mother and simultaneously implies that fathers, other caregivers, and early childhood or after-school programs could never match up. The world that MomsRising's legal agenda seeks cannot be realized as long as its cultural project casts family care in exclusively female terms, as a new—but fundamentally retro and feminine—maternalism. It is especially curious that the new turn (or return) to maternalism is occurring at a time when modest but increasing numbers of men are more deeply engaged in day-to-day domestic labor, and there is, broadly speaking, a much less rigidly gendered allocation of the actual, pervasive work of parenting than at any time in recent memory.¹⁴ The values that new maternalism embraces for women—nurturance, respon-

11. This Article does not particularly address new maternalism's pro-natalism; its focus is on the gendering of parenting rather than the celebration of parenthood in the first instance. But maternalism implicitly disparages child-free women, who are quite ostentatiously omitted from the valorization of women as mothers but nonetheless discriminated against for their potential to be mothers.

12. See *infra* text accompanying notes 72–76.

13. See Melissa Murray, *The Networked Family: Reframing the Legal Understanding of Caregiving and Caregivers*, 94 VA. L. REV. 385 (2008) (exploring the pervasive arrangements in which children are cared for by broad networks inside and outside of families, including extended family members, social kin, friends, and paid caregivers).

14. See generally, SCOTT COLTRANE, *FAMILY MAN: FATHERHOOD, HOUSEWORK, AND GENDER EQUITY* (1996); Malin, *supra* note 4.

siveness, non-commodification, and a sense of humor, for example—are values that men, too, increasingly appreciate and seek to embody. That strikes us as promising. Men, women, and children are more fulfilled, and families more stable and less stressed, when men as well as women share more fully and directly in the care of children and home.¹⁵ Less gendered notions about parenting would also help to support parenting by lesbian and gay couples and would encourage involvement in child rearing by other male relatives, male teachers, child-care professionals, neighbors, and friends.¹⁶ Despite steps in the direction of less gendered parenting, however, women still do far more home and family care than men.¹⁷ Cultural assumptions and parenting behavior need to catch up with the law if we want to replace the dominant neo-traditional, gendered family script with options that are less constraining and do not work against equality. By failing to build on the nascent project of greater egalitarian parenting, and even working against it, new maternalism represents a lost opportunity.

New maternalism's elision of parent and mother starts from the descriptive historical reality that most parenting work has been, and still is, done by mothers. At first blush, the choice to embrace motherhood as a locus for contemporary identity politics seems obvious and powerful: new maternalism directs its appeal to mothers because they are the people who identify most strongly with family care and do most of it and are therefore primed for mobilization on that basis. However much we might prefer men to care about these issues as much as women do, the reality is that work and family reconciliation is an issue of disproportionate—and urgent—concern to women. Many women embrace maternalist culture and political appeals because they appreciate that the work of nurturing children and home is, indeed, distinctively

15. See COLTRANE, *supra* note 14, at 200. See generally KATHLEEN GERSON, *THE UNFINISHED REVOLUTION: HOW A NEW GENERATION IS RESHAPING FAMILY, WORK, AND GENDER IN AMERICA* (2010). Laura Kessler argues that for those who have been denied the "privilege of family privacy," caregiving can be a transgressive and liberating practice. She believes this is especially true for people of color, gays and lesbians, and straight men, "whose care work and intimate relationships have been heavily regulated by the state." Laura T. Kessler, *Transgressive Caregiving*, 33 FLA. ST. U. L. REV. 1, 7 (2005).

16. Kessler, *supra* note 15, at 27, 44.

17. The average wife does 31 hours of housework per week as compared to the average husband's 14. Lisa Belkin, *When Mom and Dad Share It All*, N.Y. TIMES MAG., June 15, 2008, at 44. These data come from the University of Wisconsin's National Survey of Families and Households, a major recent study of two-parent heterosexual families in which both parents work. Interestingly, the ratios stay about the same across different demographic categories. Even among couples where the woman has a job and the man does not, she does the majority of the housework. *Id.* at 47.

valuable. New maternalism's recognition of that value is a welcome corrective to the myopic glorification—by mainstream society as well as some feminists—of values and pursuits traditionally associated with and historically reserved for men. What new maternalism leaves unexplained, however, is why the core values associated with mothering are not deemed important and universal enough to apply to fathers, other men, and a variety of other caregivers as well. New maternalism also fails to appreciate that however strategic it might be to replay cultural assumptions about motherhood, doing so reinforces the gendered divisions of labor that are a large part of the problems women face.

The intransigent inequalities in family-care work have proved difficult to redress, especially with the standard tools of the law. Nobody proposes legislating how men and women divide up their responsibilities at home, but the legal equalities that already exist mean little if they are undone by social and cultural inequalities. Culture and law must work together to effectuate change. The cultural and the legal are not easily distinguishable from each other, nor does their influence move primarily in one direction. Rather, law and culture mutually constitute each other.¹⁸ Hence, in making sense of the ways in which new maternalism is about the production and repetition of certain cultural tropes, assumptions, and fantasies that have significant social and legal consequences, we necessarily analyze its rhetoric, images, and self-presentation.¹⁹ Likewise, we consider the ways in which cultural default rules—especially those regulating gender—can become so entrenched and self-perpetuating that they fuel adaptive preference formation and may even come to be regarded as biological. Lawyers and policy advocates—including new maternalists with their important goals—discount the cultural at their peril.²⁰

In our view, egalitarian care work is a critically important option for families that is increasingly practiced but has not yet become main-

18. Naomi Mezey, *Law As Culture*, 13 *YALE J.L. & HUMAN.* 35, 38 (2001) (arguing that legal and cultural meanings inform each other so profoundly that we cannot adequately understand one without an exploration of the other).

19. As James Boyd White has argued, "Language does much to shape both who we are—our very selves—and the ways in which we observe and construe the world." JAMES BOYD WHITE, *JUSTICE AS TRANSLATION: AN ESSAY IN CULTURAL AND LEGAL CRITICISM* xi (1994).

20. Joan Williams argues that efforts "to reconstruct gender on the work family axis . . . should focus as much, or more, on changing the workplace as on changing the family." JOAN WILLIAMS, *RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER* 5 (2010). We agree that the workplace is a prime "gender factory" but argue that new maternalist cultural norms about parenting that sustain restrictive gender roles emanate from the home, media, and the broader society as well.

stream. Egalitarian parenting need not be meticulously equal to meet our definition; what matters is the absence of gendered presumptions about caretaking and home care roles. We critique the way that the culture of new maternalism reinforces a highly gendered, neotraditional approach to parenting and family life that makes it harder for men and women to vary from the dominant cultural scripts. It seems likely that a cultural movement that robustly encourages egalitarian care work would not suffice to make egalitarian parenting opportunities available without social and economic structures to support it. But without a cultural shift against new maternalism, we are less likely even to know what we might ask for.

In Part I of this Article, we elucidate the cultural phenomenon of new maternalism by putting it in context with both nineteenth- and early twentieth-century old maternalism and what we refer to as a contemporary “hybrid” maternalism. Part II offers a cultural critique of the paradigmatic mother of new maternalism by examining MomsRising and considers the psychological appeal and legal costs of new maternalism’s cultural construct of the happily domestic mother. Lastly, Part III explores the potential for and resistance to re-envisioning parenting and care work in more egalitarian ways.

I. MATERNALISMS ACROSS TIME

The mothers of new maternalism, like their earlier counterparts, tend to present themselves as domestic and altruistic. They implicitly offer a maternal selflessness and commitment to preserving the gendered status of the home as their concession for entering the public sphere to challenge the status quo and seek political change. The older maternalisms, perhaps surprisingly, assumed a righteous, confrontational posture, in contrast to which much of today’s maternalism seems mild and conciliatory. The continuities and disconnects between maternalisms old and new frame the critique and highlight the need for fresh cultural understandings of motherhood, fatherhood, and parenting.

A. Old Maternalism: Righteousness in Separate Spheres

What we are calling “old” maternalism has roots around the turn of the nineteenth century when, with the shift from an agrarian- and household-based economy to an industrial market economy, American men went out to work while women worked in the home. Before then, both women and men tended to work together in household- or

farm-based enterprise. In the Industrial Revolution, the accentuated separation and gendering of male wage labor and female household work gave shape to the concept of the "woman's sphere."²¹ As leading historian Nancy Cott describes it, the woman's sphere was by the 1830s principally devoted to nurturing children and families and was a concept used "to esteem female importance while containing it."²² American culture of the mid-1800s widely celebrated domesticity, channeling a great deal of social energy "into the emotional and domestic bonds of women and children."²³ The rise of mass publishing gave voice to the "cult of domesticity" through a vast outpouring of popular novels and ladies' magazines.²⁴ Those cultural forces did not focus exclusively on the home, however, but helped to fuel the temperance, anti-child-labor, and antislavery movements under a banner of women's distinctive moral authority.²⁵

Using the authority of motherhood and domesticity, mothers emerged more fully as a political force in the United States toward the end of the nineteenth century, when women in the Progressive Era organized through voluntary clubs and associations.²⁶ Maternal activism that began in churches, women's social clubs, and homes came to include the famous urban settlement houses that were precursors to the modern welfare state and the profession of social work.²⁷ Women organized for successful passage of social welfare legislation, including state-level wage and hour laws for mothers and children, mothers' pensions, and the creation in 1912 of the federal Children's Bureau.²⁸ According to social theorist Theda Skocpol, these successes were all the more extraordinary for coming at a time when women did not have the vote, and when the country failed to enact social welfare reforms for male industrial workers like those that were emerging in Europe.²⁹ Indeed, mothers' pensions, aimed at single mothers and adopted by the majority of American states between 1911 and 1920, were "America's

21. See generally Cott, *supra* note 9.

22. Cott, *supra* note 9, at 159.

23. MARY P. RYAN, *THE EMPIRE OF THE MOTHER: AMERICAN WRITING ABOUT DOMESTICITY 1830-1860* 18 (1985).

24. *Id.*

25. *Id.*

26. MOLLY LADD-TAYLOR, *MOTHER-WORK: WOMEN, CHILD WELFARE, AND THE STATE, 1890-1930* 43 (1994); See generally NANCY F. COTT, *THE GROUNDING OF MODERN FEMINISM* 17-18 (1987).

27. See generally DOMENICA M. BARBUTO, *AMERICAN SETTLEMENT HOUSES AND PROGRESSIVE SOCIAL REFORM: AN ENCYCLOPEDIA OF THE AMERICAN SETTLEMENT MOVEMENT* (1999).

28. See SKOCPOL, *supra* note 10, at 2.

29. SKOCPOL, *supra* note 10, at 2.

first publically funded social benefits other than military pensions and poor relief”³⁰

As Skocpol makes clear, while women and men in the nineteenth century operated substantially within separate spheres of domesticity and wage work, that did not mean that women were absent from public life.³¹ However, maternalist public engagement was seen as an extension of women’s domestic moral authority. “American upper and middle class women, joined by some wives of skilled workers, claimed a mission that they felt those of their gender could uniquely perform: extending the moral values and social caring of the home into the larger community.”³² Groups like the General Federation of Women’s Clubs and the National Congress of Mothers were leaders in social welfare reform at the turn of the last century.³³ As a National Congress of Mothers spokeswoman said in 1911, the movement represented “a maternal public mind, loving and generous, wanting to save and develop all American families.”³⁴

The largest and most influential of these groups was the Women’s Christian Temperance Union (WCTU), which had grown to 250,000 members nationwide by the twentieth century.³⁵ The WCTU was ubiquitous, with branches in every state and territory and in most cities and localities as well.³⁶ Women still lacked the vote, and their political activity was still strongly discouraged, but because the ravages of alcohol were seen as both morally and religiously evil and had such harmful effects on families, temperance was a cause that allowed women, particularly mothers, to capitalize on their domestic and spiritual authority to enter the political arena.³⁷

Maternalism was explicit in the WCTU, which organized through “Mothers’ Meetings” and advocated for temperance through “Home Protection Drives.”³⁸ The WCTU consistently articulated its cause as one that protected the home, the weaker sex, and children. Its political

30. SKOCPOL, *supra* note 10, at 10.

31. SKOCPOL, *supra* note 10, at 51.

32. SKOCPOL, *supra* note 10, at 51.

33. SKOCPOL, *supra* note 10, at 3.

34. SKOCPOL, *supra* note 10, at 3 (quoting G. H. Robertson, *The State’s Duty to Fatherless Children*, WELFARE MAG., Jan. 1912, at 160) (internal quotation marks omitted).

35. KARLYN KOHRS CAMPBELL, *MAN CANNOT SPEAK FOR HER: VOLUME I: A CRITICAL STUDY OF EARLY FEMINIST RHETORIC* 121–22 (1989).

36. *Id.*

37. Richard H. Chused, *Courts and Temperance “Ladies”*, 21 YALE J.L. & FEMINISM 339, 344–45 (2010).

38. Frances E. Willard, *A White Life for Two*, in *MAN CANNOT SPEAK FOR HER: VOLUME II; KEY TEXTS OF THE EARLY FEMINISTS* 317, 328 (Karlyn Kohrs Campbell ed., 1989).

objectives were always linked to the domestic. As its leader Frances Willard said:

The Woman's Christian Temperance Union has taken up this sacred cause of protection for the home, and we shall never cease our efforts until women have all the help that law can furnish them throughout America. We ask for heavier penalties, and that the age of consent be raised to eighteen years; we ask for the total prohibition of the liquor traffic, which is leagued with every crime that is perpetrated against the physically weaker sex, and we ask for the ballot, that law and law-maker may be directly influenced by our instincts of self-protection and home protection.³⁹

The WCTU was best known for its temperance work, but it also supported a broader program. Some of the issues the WCTU advocated were quite progressive for their time, and a few—such as putting a monetary value on housework—remain radical even by today's standards.⁴⁰ The WCTU also engaged in a pro-censorship campaign—directed at the corrupting influence of literature, art, and film on children—in which the appeal to motherliness was especially emphatic.⁴¹ According to historian Alison Parker, “[t]he WCTU's public fight for literary censorship emphasized the need for its members to work as mothers or nurturing women for the morals of all youths”⁴² Like temperance, censorship engaged women across the political spectrum by appealing to women's primary role in protecting the home and family from corrupting and dangerous influences. The overarching narrative of the old maternalist movements is one of women as domestic nurturers who are drawn into the public sphere to protect their children, their families, or all children and families.

Even much more recently, some of the most effective maternalist organizations of the last thirty-five years mobilized initially around ma-

39. *Id.* at 328.

40. In addition to those reforms mentioned by Willard, the WCTU also sought the eight-hour day, co-education, and economic equality of men and women within marriage. CAMPBELL, *supra* note 35, at 122. Today, efforts to win wages for housework are typically understood as radical. *See, e.g.*, CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 67 (1989) (“[T]he struggle for a wage for housework would be revolutionary. It would demystify this complex of social relations by exposing women's role as social and essential, not natural and socially marginal.”).

41. ALISON M. PARKER, PURIFYING AMERICA: WOMEN, CULTURAL REFORM, AND PRO-CENSORSHIP ACTIVISM, 1873–1933 50–51 (Mari J. Buhle et al. eds., 1997).

42. *Id.* at 52.

ternal grief and anger. Mothers Against Drunk Driving (MADD), started in 1980 by a mother whose child was killed by a repeat DUI offender, has consciously exploited maternal emotion to give traffic statistics more power.⁴³ Similarly, Las Madres de la Plaza de Mayo (Mothers of the Disappeared) in Argentina and other groups like them in South America and Sri Lanka have used the authority of maternal grief in an effort to hold the state accountable for missing sons and husbands suspected to have been kidnapped, tortured, and murdered at the hands of military juntas.⁴⁴ Occasional solo maternalist performances—such as the antiwar protest outside former President Bush's Texas ranch by Cindy Sheehan, whose son was killed in the United States war in Iraq—also draw power from politicized love, grief, and anger.⁴⁵

The maternal discourse of love, nurturance, and protection threads through many of the more recent maternalist organizations, like Mothers Embracing Nuclear Disarmament (MEND) and the Million Mom March (MMM). These groups suggest that preventing nuclear war or gun violence is a natural outgrowth of a mother's protective love for her family.⁴⁶ While there is little academic or even serious journalistic attention given to such organizations, what there is either feeds into the maternalist narrative by characterizing them as extending the ethic of motherhood into public life, as a "nurturing" voice, fiercely protective,

43. Laurie Davies, *Twenty-Five Years of Saving Lives*, DRIVEN (Mothers Against Drunk Driving, Irving, Tex.) Fall 2006, at 9–17.

44. See generally MARGUERITE GUZMAN BOUVARD, *REVOLUTIONIZING MOTHERHOOD: THE MOTHERS OF THE PLAZA DE MAYO* (1994); DIANE TAYLOR, *DISAPPEARING ACTS: SPECTACLES OF GENDER AND NATIONALISM IN ARGENTINA'S "DIRTY WAR"* (1997).

45. Other organizations and activist groups, exemplified by toxic waste and environmental activism, are more implicitly maternalist. Groups such as those that exposed Love Canal or the Woburn, Massachusetts childhood leukemia cluster described by Jonathan Harr in *A CIVIL ACTION* (1995) did not use a maternalist label but were spearheaded by mothers and inspired by the "popular epidemiology" that emerged out of women's local social networks. See, e.g., PHIL BROWN & EDWIN J. MIKKELSEN, *NO SAFE PLACE: TOXIC WASTE, LEUKEMIA, AND COMMUNITY ACTION* (1990). See also, Phil Brown & Faith I.T. Ferguson, "Making a Big Stink": *Women's Work, Women's Relationships, and Toxic Waste Activism* 9 *GENDER & SOC'Y* 145 (Apr. 1995).

46. An early study of MEND's anti-nuclear discourse found that "MEND is challenging the techno-strategic assumptions of the deterrence doctrine by employing a nurturing discourse that insists mothers share a universal biological and spiritual bond that cuts across political boundaries." Hugh Mehan & John Wills, *MEND: A Nurturing Voice in the Nuclear Arms Debate*, 35 *SOC. PROBS* 363 (1988). MMM was profiled by TIME magazine in its August 2011 list of influential women's protest marches. Megan Gibson, *A Brief History of Women's Protests*, TIME, Aug. 12, 2011, http://www.time.com/time/specials/packages/article/0,28804,2088114_2087975_2087974,00.html.

or dismisses them as opportunistically “playing the mother card” in their political interventions.⁴⁷ There are many such groups pursuing a range of political issues that seek to mobilize women based on their identity as mothers. But there is very little scholarly or journalistic work that interrogates those uses of the maternal.

Each of those movements has its own distinct history, but they share some common characteristics. For example, the power of Las Madres de la Plaza de Mayo depended on both an authoritarian state and a culture that promoted traditional gender roles with a particularly nationalistic reverence for mothers.⁴⁸ In a brilliant twist, those mothers exploited the nationalist sanctity of motherhood to challenge the state. The early American women social reformers also linked patriotism and maternalism. They viewed themselves as “housekeepers of the nation”⁴⁹ even while they continued to tend their own homes and families. Another thing these groups tend to share is racial homogeneity and often whiteness. Not only do women not have a strong history of working together across race, but in the United States the sanctity and authority of motherhood that the maternalist groups exploited was reserved for white women.⁵⁰ Inherent in all these movements, however, is a kernel of radicalism: women of passionate conviction mobilizing for change and pushing the boundaries of the acceptably maternal and feminine, even while they reinforce a good deal of traditionalism and social compliance. These maternalists exploit the passion of the mother-child bond—a passion that threatens to ignite into fury if children’s well-being is threatened. To a large extent, they cast their political goals and advocacy as extensions of their maternal devotion and not for their own direct benefit. Even though some of these maternalist groups, such as MADD and MMM, are fairly recent, they can be understood as part of a direct legacy of old maternalism; the contrasting strand of new maternalism is defined not merely by chronology but by the revised style of its maternal performance.

47. Compare Mehan & Wills, *supra* note 46, at 368, with Ann Scott Tyson, *Marchers Play the “Mother Card,”* CHRISTIAN SCI. MONITOR, May 11, 2000, at 1.

48. See BOUVARD, *supra* note 44; TAYLOR, *supra* note 44.

49. SKOCPOL, *supra* note 10, at 51.

50. Given the lack of respect for black women and their motherhood, it is not surprising that important toxic waste activism by African American communities has tended to use narratives of race more than gender. See, e.g., Celene Krauss, *Women and Toxic Waste Protests: Race, Class and Gender as Resources of Resistance* 16 QUALITATIVE SOC. 247, 259–60 (1993).

B. New Maternalism: Conciliation in the Neo-Traditional Family

New maternalism shares with old maternalism its core commitment to the mother as fundamentally domestic and similarly invokes an image of women who seek to extend their domestic concerns into the public realm, to be “housekeepers of the nation.”⁵¹ Perhaps the most notable distinguishing characteristics of new maternalism are its humor, irony, and almost total absence of anger. New maternalism also depends on a distinctive stripe of identity politics that runs between what it sees as a feminist past and a postfeminist future. It thrives particularly in web-based communities. Indeed, the Internet may be the site and engine of maternalism’s rebirth, with its countless mommy blogs, parenting listservs, and viral videos. Much of new maternalism seeks nothing more than solidarity and self-expression, but some of it, like MomsRising, which we describe below in more detail, has a full-fledged political agenda. Both types are part of a larger cultural movement that has gone virtually unremarked by popular and academic commentators but which profoundly influences social and familial gender roles and undermines the public equality of women and the domestic equality of men.

1. E-Maternalism in the Virtual Landscape

New maternalism thrives on the web. There are local and national Internet groups and blogs dedicated to a range of maternal concerns. Some, like CafeMom, are social networking sites for mothers.⁵² Others cater to specific maternal sub-demographics, like Mocha Moms (for women of color),⁵³ Mombian (lesbian moms),⁵⁴ MOMocrats (politically minded progressives),⁵⁵

51. SKOCPOL, *supra* note 10 at 51.

52. CafeMom declares itself, “The #1 place for moms online.” CAFE MOM, <http://www.cafemom.com> (last visited Nov. 28, 2011).

53. Mocha Moms, Inc. “is a support group for mothers of color who have chosen not to work full-time outside of the home in order to devote more time to their families and communities. Mocha Moms serves as an advocate for those mothers and encourages the spirit of community activism within its membership.” MOCHA MOMS, INC., <http://www.mochamoms.org> (last visited Nov. 28, 2011).

54. Mombian offers “sustenance for lesbian moms” through a “lifestyle site for lesbian moms and other LGBT parents offering a mix of parenting, politics, diversions, and resources for all our varied roles.” MOMBIAN, <http://www.mombian.com> (last visited Nov. 28, 2011).

55. MOMocrats.com declare themselves to be “raising the next generation of blue!” while they blog on “a site where mothers from across the United States of America come together to write about politics from a parent’s perspective.” MOMOCRATS.COM, <http://www.momocrats.typepad.com> (last visited Nov. 28, 2011).

or 50-Something Moms Blog.⁵⁶ Some left-wing mothers associate with the Radical Anarchist Mom and Baby League (RAMBL),⁵⁷ or Rad-Moms.Org.⁵⁸ There is a proliferation of “mommy blogs”—a maternalist strand of the general blogging phenomenon of loosely thematic, public musings propagated with entrepreneurial zeal. Among them are The Mommy Blog (“She flaunts her flaws and keeps her ‘real mom’ quotient high”); Mom 101; Busy Mom; My Mommy’s Place; Motherhood, WTF?; Llama Momma; Mommy Adventures; United States of Motherhood; Motherhood Uncensored; Motherthoughts; Mother Talkers; Dooce (“Talking a lot about poop, boobs, her dog, and her daughter”); and Role Mommy. At one point, the Silicon Valley Moms Group owned and operated mommy blogs in New York City, Los Angeles, Chicago, Washington D.C., Philadelphia, the Deep South and the Rocky Mountains, and had over 400 mom bloggers using its sites to “showcase the ups, downs, outrages, struggles, victories, and everyday humor of motherhood.”⁵⁹ What today’s mother needs, these Internet voices suggest, is a chat room of her own.

The women who post on and read these sites bond with one another through their quotidian crises, routine self-doubt, and perennial ability to laugh at themselves. They share funny stories, adorable photos, musings on domestic chaos, and lots of parenting and household advice. The mommy bloggers’ dominant tone combines roll-with-the-punches common sense, smell-the-roses pleasures, and “can-you-believe-it?!” humor. The tone is almost unfailingly good-natured and light. These mothers take care to avoid expressing anger, making demands or judg-

56. 50-something Moms Blog announces, “Hot flashes and hot lunches, perimenopause and puberty, saving for retirement and paying for college—you’ve really got it all, even if you’re not sure this is the all you really wanted. You’re a 50-something Mom.” 50-SOMETHING MOMS BLOG, <http://www.50somethingmoms.com> (last visited Feb. 2, 2011).

57. The Affinity Project describes the RAMBL “manifesto” as “both a critique of the lack of support for moms in the activist community, as well as a call to arms for radical mamas.” AFFINITY PROJECT, <http://www.affinityproject.org/groups/rambl.html> (last visited Nov. 28, 2011).

58. RadMoms is present on the airwaves in Austin, Texas, as well as on the web, with a Radical Mothers’ Voice radio show. RADMOMS, <http://www.radmoms.org> (last visited Nov. 28, 2011).

59. *TypePad Mommy Bloggers Embark on Their Summer Road Trip ‘08*, THE OFFICIAL EVERYTHING TYPEPAD BLOG (July 14, 2008, 2:05 PM), <http://everything.typepad.com/blog/2008/07/typepad-mommy-b.html>. See generally THE SILICON VALLEY MOMS BLOG, http://svmommblog.typepad.com/silicon_valley_moms_group (last visited July 27, 2009). The Silicon Valley Moms Group was bought in 2010 by a blog search engine Technorati and seems to have morphed into a women’s channel of individual bloggers. *Technorati Women Channel*, TECHNORATI, <http://technorati.com/women/> (last visited Nov. 28, 2011).

ments, or taking themselves too seriously. In addition to tone, new maternalist mommy bloggers share a fundamental commitment to the importance of a mother's perspective and a belief that the "maternal view" is both noteworthy and natural.

Some mommy blogs also clearly appeal to domestic fantasies and pre-industrial nostalgia conveyed through lush photographs of children, food, and DIY projects, but even these use the new maternalist sass, self-mockery, and sisterly familiarity to avoid the aloofness and superiority of old-school Martha Stewart. Perhaps the most popular and successful of these mommy bloggers is "The Pioneer Woman," Ree Drummond, who photographs and blogs about life on an Oklahoma cattle ranch with her four kids and cowboy husband whom she refers to only as the Marlboro Man. According to a profile in *The New Yorker*, Drummond's site receives over 23 million page views per month and has attracted about four and a half million unique viewers.⁶⁰ With a "breezy, imperturbable contentment" and cultivated intimacy,⁶¹ Drummond has created a modern maternalist folk-myth of an accidental pioneer woman in cute jeans and cowboy boots who cooks comfort food, home-schools her kids, and helps work the ranch. Drummond has translated her blog's popularity into a best-selling Pioneer Woman cookbook, a cooking show, a memoir, *THE PIONEER WOMAN: BLACK HEELS TO TRACTOR WHEELS*, and a film deal.

In addition to the rare mommy blogger who becomes a franchise, there are countless new maternalist consumption blogs in which the mommy blogger is the authoritative and discriminating consumer noted for her market clout. Giving a new slant to home economics, a "mom demographic" with deep pocketbooks has been formed as much by advertisers as by mothers themselves.⁶² There are many maternalist blogs concerned with household consumption and dedicated to helping mothers be more conscientious consumers for their families. Several of those blogs specifically review baby products, toys, and household goods, and their authors receive free products that companies hope the bloggers will positively review.⁶³

60. Amanda Fortini, *O Pioneer Woman!: The Creation of a Domestic Idyll*, *THE NEW YORKER*, May 9, 2011, http://www.newyorker.com/reporting/2011/05/09/110509fa_fact_fortini.

61. *Id.*

62. Patricia Leigh Brown, *For 'EcoMoms,' Saving Earth Begins at Home*, *N.Y. TIMES*, Feb. 16, 2008, <http://www.nytimes.com/2008/02/16/us/16ecomoms.html>.

63. That practice, in conjunction with the pervasive corporate sponsorship of many maternalist blogs, has become a source of debate among mommy bloggers. Some bloggers insist that they will not be co-opted by the companies, but others embrace a promotional role, such as the author of the product-review site *Classymommy.com*,

It is remarkable how few of the web-based new maternalist groups engage in political advocacy. A slew of consumption-oriented mommy blogs are dedicated to environmentally conscious households, such as Green and Clean Mom ("how being 'green' can be sexy, sassy & fun!"),⁶⁴ Mindful Momma,⁶⁵ and the EcoMom Alliance.⁶⁶ But even the EcoMom Alliance, a group promoting environmentally friendly strategies that can be adopted in individual homes, embodies the orientation of many of these groups, away from conventional political advocacy and toward conscientious consumption. Their tagline—"Because one of nature's strongest forces is a network of mothers"—suggests both why maternalist thinking endures and how new maternalists naturalize the idea of the mother and cast her more as a consumer-homemaker than as a political actor. Indeed, as law professor Brenda Cossman points out, groups like EcoMom Alliance do not even have what we typically think of as a political agenda;⁶⁷ their focus on how to re-envision their homes (by greening school lunches, light bulbs, laundry) is part of the move toward do-it-yourself-ism motivated by eco-anxiety and the perceived inability of the government to effect the changes needed to protect families.⁶⁸ This grassroots activism specifically showcases the re-domestication of the mother. As the NEW YORK TIMES noted in its

who will not review a product unless she has "something nice to say." *Compare* MOM-101, <http://mom-101.com> (last visited Nov. 28, 2011) ("I don't review products on this site.") *with* Pradnya Joshi, *Approval by a Blogger May Please a Sponsor*, N.Y. TIMES, July 13, 2009, www.nytimes.com/2009/07/13/technology/internet/13blog.html (discussing classymommy.com, a site that reviews thousand of products and whose author receives many free items that companies are eager to promote to mothers). Whether principled or polite, the debate is cast in recognizably maternalist terms.

64. GREEN & CLEAN MOM, <http://www.greenandcleanmom.org> (last visited Nov. 28, 2011).

65. MINDFUL MOMMA, <http://www.mindfulmomma.typepad.com> (last visited Nov. 28, 2011).

66. ECOMOM ALLIANCE, <http://www.ecomomalliance.org> (last visited Nov. 28, 2011).

67. The site focuses on woman's role as consumer and describes its goals as "to provide every mother with information and tools so she can make healthy choices in her home and community, the effects of which ripple out and protect our children and our environment for generations to come." *Id.* The centerpiece of EcoMom Alliance's activism is a ten-step challenge for moms that includes changing light bulbs, driving less, shopping locally, using non-toxic products, and reducing trash. *Id.* Step nine is "reduce mom guilt with carbon offsets, renewable energy credits or green tags." *Id.* The strategies focus on personal rather than political action, suggesting, for example, that "[s]upporting renewable energy development to balance out your worst 'eco-sins' is kind of like eating too many brownies one day and jogging extra the next." *Id.*

68. See generally Brenda Cossman, *The 'Opt Out Revolution' and the Changing Narratives of Motherhood: Self Governing the Work/Family Conflict*, 11 UTAH L. REV. 455 (2009).

profile of the EcoMom Alliance, "Perhaps not since the days of 'dishpan hands' has the household been so all-consuming."⁶⁹

Such atomized, consumerist advocacy is, admittedly, a nascent form of grassroots activism that can be characterized as its own form of politics. But in its maternalist version, conscientious consumerism also plays into mothers' isolation and the notion that mothers—not fathers or any other male caregivers, the community, or government—are the true nurturers and guardians of family life.⁷⁰ It culturally reinforces the idea that individual action in the (female) private realms of family and the grocery store, and not the (male) public, civic space of advocacy and governmental policy, is where these issues should be aired and solutions sought. Casting the household as so central to women aptly recognizes an important site of many women's emotional and material lives but at the same time fuels the cult of domesticated motherhood and privatized care that binds them there.

There is much that is positive about the new maternalist style. The decentralized, online maternalist networks create a sense of community for a diverse and often dispersed population of mothers. They provide fora, accessible from home, for "naptime activism," self-expression, or mere validation that clearly bests the lonely suburban malaise of an earlier generation.⁷¹ But in doing so, these websites also perpetuate a deeply ingrained idea of motherhood that tends to avoid confronting a broader and more heterogeneous public with the need for more equal responsibility for care work.

69. Brown, *supra* note 62.

Move over, Tupperware. The EcoMom party has arrived, with its ever-expanding "to do" list that includes preparing waste-free school lunches; lobbying for green building codes; transforming oneself into a "locovore," eating locally grown food; and remembering not to idle the car when picking up children from school (if one must drive). Here, the small talk is about the volatile compounds emitted by dry-erase markers at school.

Id.

70. In its reliance on the paradigmatic mother rather than any image or narrative about broader responsibility for family, such consumerist activism fails to offer a compelling cultural script for collective or social support for environmental protection, family care, or other pressing matters of public concern. The individualism of new maternalism's implicit parenting paradigm is in contrast, say, to more collaborative versions, including straightforward egalitarian parenting. See *infra* text accompanying notes 169–81.

71. See BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (1963).

2. MomsRising as Paradigmatic New Maternalism

New maternalism is not limited to blogging and bonding. A number of maternalist groups—such as Mainstreet Moms Organize or Bust,⁷² Mothers Movement Online,⁷³ Mother: The Job,⁷⁴ Mothers Ought to Have Equal Rights (MOTHERS),⁷⁵ and the National Partnership for Women and Families⁷⁶—are distinctly oriented toward legal and cultural change. One of the largest and most influential of the online new maternalist groups, MomsRising.org,⁷⁷ is emblematic of new maternalism. MomsRising is a useful focus because it is as much in the business of producing cultural meaning as political change; in addition to rallying mothers for legal and policy reform, it is especially attentive to its cultural message, styling its portrayal of mothers in ways that epitomize new maternalism.

MomsRising gathered 125,000 members in its first year and was purported to be the “fastest growing virtual grassroots effort of its kind.”⁷⁸ The group is the brainchild of Joan Blades, a cofounder of the

72. MAINSTREET MOMS ORGANIZE OR BUST, [http:// www.themmob.org/about](http://www.themmob.org/about) (last visited Nov. 28, 2011) (“Moms have to work on the future because our kids will be there. And times like these call for more of us to be participating & leading, but traditional volunteerism doesn’t always fit into the nooks and crannies of our busy days. That’s why MMOB works to serve it up.”).

73. The Mothers Movement Online describes itself as an open source for information to support social change, including by collecting resources “relevant to motherhood as a social issue, including research and news articles on care work, paid work, family life and public policy.” MOTHERS MOVEMENT ONLINE, <http://www.mothersmovement.org> (last visited Nov. 28, 2011).

74. Mother: The Job is an organization that advocates “change in social policy and in the corporate culture so that mothers and their families can thrive,” and it expressly valorizes mothers: “by recognizing the passion, intelligence and intuition that goes into Mothering, the world’s most important job, we exalt nurturing and care giving to an art form.” MOTHER: THE JOB, <http://www.motherthejob.org> (last visited Nov. 28, 2011).

75. MOTHERS’ objective is to provide a “voice for public policy that supports mothers, women and families.” MOTHERS, <http://www.mothersoughttohaveequalrights.org> (last visited Nov. 28, 2011).

76. National Partnership for Women & Families was founded in 1971 as the Women’s Legal Defense Fund; it changed to its current name in 1998. It typically pitches its advocacy efforts on behalf of working families as women’s issues. NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES, <http://www.nationalpartnership.org> (last visited Nov. 28, 2011).

77. MomsRising works in coalition with many of the other maternalist organizations. MOMSRISING, <http://momsrising.org> (last visited Nov. 28, 2011).

78. Anna Fahey, *Mom-Powered Politics*, GRIST (Jan. 15, 2010, 3:16 PM), <http://www.grist.org/article/mom-powered-politics>.

Internet's political juggernaut MoveOn,⁷⁹ and Kristin Rowe Finkbeiner, author of *THE F-WORD, FEMINISM IN JEOPARDY*, who is also "a stylish suburban mom and the wife of a [former] Republican state senator."⁸⁰ MomsRising seeks to accelerate the national movement for work-family legal reforms, including paid parental leave, fair wages, health care and after-school programs for children, affordable child care, and flexible work options.⁸¹ MomsRising brings political and Internet expertise to its project of mobilizing a politically potent group of women: white, college-educated, relatively well-to-do mothers. By giving mothers an accessible way to ask for what they need, MomsRising aims to help them collectively make their lives easier.

MomsRising casts its political mobilization as a public celebration of mothering. It "puts a face on motherhood today," (as NOW's Kim Gandy aptly blurbs on the back of MomsRising's book, *THE MOTHERHOOD MANIFESTO*).⁸² It exemplifies new maternalism in a number of ways. First, it epitomizes the style of virtually all maternalist advocacy in its unwillingness to make the mother herself the object of advocacy; each of the rights and benefits she seeks, even in her own job, are to enable her better to care for her children. Second, its emotional posture is characterized by humor, irony, and a total absence of anger. Third, it demonstrates an increasingly common reticence to critique the pervasive patterns of unequal allocation of childcare and housework between women and men. Finally, even as MomsRising seeks to rally mothers to agitate for legal and policy change, its cultural construction of maternal life is private, intensely focused on the home.

MomsRising in many ways fits into the common history of both old and new American maternalism by studiously avoiding depicting mothers as radical. The mothers they portray are youngish middle- and upper-middle-class American women. They are responsible adults who work hard. All they ask is for equality in employment, fair wages, decent benefits, and flexible schedules so that they can care for their children. They are unthreatening, selfless, and nurturing, and they embrace their

79. About the Authors, MOMSRISING, <http://www.momsrising.org/page/moms/manifesto/authors> (last visited July 24, 2011).

80. Christine Zappone, *Moms Rise Up, Fight for Workplace Rights*, CNNMONEY (Jan. 11, 2007, 6:46 PM), http://money.cnn.com/2007/01/11/pf/moms_rising. Kristin Rowe-Finkbeiner is also a contributor to *THE ESSENTIAL HIP MAMA: WRITINGS FROM THE CUTTING EDGE OF PARENTING* (Ariel Gore ed., 2004).

81. Eliza Strickland, *Mother's Work*, S.F. WEEKLY, Dec. 6, 2006, <http://www.sfweekly.com/2006-12-06/news/mother-s-work/>.

82. JOAN BLADES & KRISTIN ROWE-FINKBEINER, *THE MOTHERHOOD MANIFESTO: WHAT AMERICA'S MOMS WANT—AND WHAT TO DO ABOUT IT* (2006) [hereinafter *THE MOTHERHOOD MANIFESTO*].

domestic role with good cheer. They have mastered the art of high-tech advocacy: delivering clever and light sound bites to convey a political point. They also advocate for the cherished objectives of the earlier maternalists: social programs that will allow them to raise children to become healthy, responsible, and educated citizens. MomsRising portrays working mothers in culturally familiar and favorable roles, and in doing so firmly entrenches the mother as the natural center of the family as well as the nurturer of the nation.

MomsRising employs a maternalist identity to advocate primarily for others while at the same time depoliticizing and even infantilizing how mothers themselves are portrayed. For all its cutting-edge cultural packaging and high-tech advocacy, the maternalism of MomsRising is not entirely new; rather, it embraces a traditional image of motherhood that is focused on caring and domesticity. To advance the cause of legal equality, the mothers in MomsRising hold dessert parties, thank legislators with homemade cookies, and do crafts. They project a palliative image: gentle, comforting, conciliatory, flexible, and accommodating. But in doing so, they help reproduce and reinforce a culture that works against the legal reforms they fight for, a culture that does not value the public potential of women or the domestic potential of men and which continues to imagine families in the most conventional ways. In addition, by styling their legal and policy reform in ways that actively promote the assumption that women are the default parent, they culturally reproduce the very conditions of inequality inside the home that contribute to discrimination against women outside the home.

C. Hybrid Maternalism: Mama Grizzlies

The range of old and new maternalisms illuminates the potential for hybrid strands that combine the righteous indignation and protective impulses of old maternalism with the humor and Internet savvy of new maternalism. The most salient and recent example of public portrayals of maternalism is Sarah Palin's campaign to mobilize conservative women by appealing to the "Mama Grizzly" in each of them.⁸³ The Mama Grizzly approach exemplifies hybridity by mixing populist, conservative anger and confrontation, traditional folksy charm, media sophistication, and a commitment to both mobilizing women and preserving traditional gender roles. The Mama Grizzlies also show that

83. Philip Rucker, *New Palin Video Praises Conservative "Mama Grizzlies,"* WASH. POST, July 8, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/08/AR2010070802397.html>

maternalism is not limited to liberal advocacy but can readily be used as a compelling approach for conservatives as well.

Palin and the Mama Grizzlies share many traits of both old and new maternalism. The image of motherhood Palin exploits is one that looks strikingly like that of the temperance movement, where mothers were prompted by a sense of outrage to take political action, but predicated their political appeal on their primary role as protectors of the home and of children. Palin's tone, however, is archetypally new maternalist: she cultivates a conventional femininity and projects herself as feisty and good-natured, with a folksy, common sense appeal. Palin taps into new maternalism in an effort to mobilize populist opposition to what she sees as big government and liberal excess. Her libertarian use of that packaging shows how readily adaptable the new maternalist approach is to an antigovernment message that augers withdrawal of social support for family care, and so works against family-friendly legal reforms that other new maternalist groups, like MomsRising, seek to extend.

Palin's Mama Grizzlies video, produced by her political action committee and released on Facebook and YouTube in July 2010 in anticipation of the 2010 mid-term elections, went "viral" on the Internet.⁸⁴ The video is a series of images of Palin speaking to crowds of energized women; the voice-over comes from a speech she gave to the pro-life group, the Susan B. Anthony List:

[I]t's kind of a "mom awakening" in the last year and a half where women are rising up and saying, "No, we've had enough already." Because moms kinda just know when something's wrong. . . . There in Alaska, I always think of the mama grizzly bears that rise up on their hind legs when somebody's coming to attack their cubs, to do something adverse towards their cubs. You know, the mama grizzlies, they rear up and you know, you thought pit bulls were tough, well you don't want to mess with the mama grizzlies.⁸⁵

84. SARAH PAC, *Mama Grizzlies*, YOUTUBE (June 23, 2010), <http://youtu.be/fsUVL6ciK-c>. The video has also spawned numerous parodies, including one by Emily's List, which has launched a campaign on behalf of pro-choice candidates called "Sarah Doesn't Speak For Me." See EMILY'S LIST, *Sarah Doesn't Speak For Me*, YOUTUBE (Aug. 16, 2010), <http://youtu.be/W0mp99eEaic>.

85. Sarah Palin, Address at the Susan B. Anthony List Celebration of Life Breakfast (Mar. 14, 2010), available at <http://www.c-spanvideo.org/program/id/224198>.

Palin and some strands of the Tea Party movement that she inspires depend on a blend of old and new maternalism that has special appeal for conservative and right-wing evangelical women. They promote strong, working women who want to protect their families from cultural evils as well as from political ones, especially the government itself. It is old in the sense that it harkens back to the Christian family values of domestic protection from cultural sins that old maternalism invoked, and it has a confrontational stance that new maternalism has shed. At the same time, however, their method is also new maternalist: they post videos on Facebook and start mommy blogs. Journalist Hanna Rosin, in an article about the Tea Party and feminism, describes a classic new maternalist movement dominated by tech-literate mothers who have fun and commiserate while getting things done.⁸⁶ The Tea Party is, in the words of one of their own spokeswomen, “a lot of mama bears worried about their families.”⁸⁷ Rosin aptly concludes that “the conservative mama bear has become a fully operational, effective political archetype.”⁸⁸

The aspects of motherhood that these examples of maternalism exploit—the emotional intensity, the authority of the caretaker, the authenticity and naturalness of the maternal category—are what one might call the paradigmatic mother, a set of ideas about motherhood that we rarely if ever unpack and question. These aspects of the paradigmatic mother are also double-edged. Mothers are, most of these individuals and organizations suggest, a natural category and a force of nature.⁸⁹ Implicitly ascribing an elemental power to mothers is a move that claims a distinctly gendered parental authority, but it also undermines the ability of men and women to locate new roles as mothers and fathers and to reconfigure families in new ways. In this way, it is hard to get out of this standard paradigm of motherhood. What we see and worry about in new maternalism is its celebration of this maternal para-

86. Hanna Rosin, *Is the Tea Party a Feminist Movement?*, SLATE (May 12, 2010, 12:03 PM), <http://www.slate.com/id/2253645> (“One of the three main sponsors of the Tax Day Tea Party that launched the movement is a group called Smart Girl Politics. The site started out as a mommy blog and has turned into a mobilizing campaign that trains future activists and candidates.”).

87. *Id.*

88. *Id.*

89. The EcoMom Alliance website reinforces these ideas. “Throughout history, through fever, flood, famine or flu, women—and mothers in particular—step up and do what must be done. Our planet needs that now more than ever. Our children need it, we need it, and the future of all species depends on it.” *About EcoMom Alliance*, ECOMOM ALLIANCE, <http://www.causes.com/causes/82247-ecomom-alliance/about> (last visited Dec. 3, 2011).

digm as uniquely female and its inability to question the ways maternalism can work against the interests of women and families. Maternalist groups promote the mother as a social actor and a political advocate but shield the cultural construct of "mother" from political scrutiny. By mobilizing as mothers, they distance men and fathers from issues of familial and global caretaking and help to naturalize men's absence from those important arenas.

In light of the above sketch of old, new and hybrid maternalisms, the next section examines in depth the maternal paradigm as it is expressed in the new maternalist Internet-based campaign, MomsRising. That paradigm is not unique to MomsRising but is emblematic of a much broader phenomenon of new maternalism. The ways that MomsRising both appropriates and helps to define new maternalist culture are particularly striking and worthy of analysis, however, because MomsRising's policy goals are so critically important, and yet, in our view, are so likely to be undermined by the new maternalist cultural performance the group promotes.

II. THE PARADIGMATIC MOTHER OF NEW MATERNALISM

The mother of MomsRising is paradigmatic of new maternalism in its style, tone, and content. She is born of feminism but deeply conflicted about what it might mean to be a feminist. She banishes men, feminism, and her second-wave feminist mother in order to avoid confronting men or the implications of the gendered distribution of domestic labor, and to steer clear of the alienation she assumes that ostensibly anti-male feminists suffer.

New maternalism, and MomsRising in particular, represses personal and cultural conflict over how far we might go to invent new approaches to gender and caretaking by casting family care, and the policies that would facilitate it, as mothers' responsibility and domain. By equating parenting with mothering (by women), the images and rhetoric of MomsRising reinforce a non-egalitarian, neo-separate-spheres model of a mostly traditional family. Their new maternalism embraces caregiving as women's calling and a source of female authority. MomsRising's cautiousness and traditionalism are likely a strategic effort to appeal to a wide range of women with varying political views, diverse policy makers, and a broader culture riven by the fault lines of family, gender, and feminism. But for all its efforts to generate mass appeal, the new maternalism of MomsRising is culturally, politically,

and economically problematic for women and men who seek fairer, fuller and less gendered roles in both the market and the family.

A. The Cultural Performance of MomsRising

MomsRising is engaged in cultural production as much as in political advocacy. The rhetoric, images, and style of its self-presentation help produce the modern maternal subject. Its advocacy materials culturally construct a vision of parenting that banishes men and valorizes motherhood in essentialized and nostalgic ways.

The legal reforms that MomsRising champions could create a sea change, not only for women and families, but for men and for sex equality. Indeed, those reforms—like paid family leave, universal and affordable child care, after-school programs, and high-quality, flexible jobs—are broadly favored. They are also widely understood to be priorities of second-wave feminists and the established women's organizations that they shaped and, to some degree, still dominate.⁹⁰ But MomsRising is not just about advocating for new laws and policies. It is also about selling its ideas by tapping into the most receptive strands of the culture, and it is in its cultural self-presentation that one sees the many tensions between new maternalism and the history and future of gender roles, gendered power, and feminism. In the maternalism it constructs, the MomsRising cultural project flirts with irony and equality but ultimately depicts a highly conventional and domesticated mother. The cultural world MomsRising both assumes and helps to constitute ends up contributing to some of the very problems the organization asks legislators to redress.

1. Rosie the Mom

It is telling that the most consistent image associated with MomsRising is its use of a revised version of the ubiquitous Rosie the Riveter poster from the 1940s—a stock pop-cultural icon with a complex history and some feminist credentials that has now become so familiar as to be both appealing and banal. The history of the Rosie image evokes the balancing acts of women who enter new domains without sacrificing their femininity or their domestic authority. A modi-

90. Those organizations include the National Women's Law Center, NOW, Legal Momentum, the National Partnership for Women and Families, ACLU Women's Rights Project and others.

fied and maternal Rosie, a worker with a baby on her arm, appears on the cover of *THE MOTHERHOOD MANIFESTO* book and DVD, and it is the primary logo on the organization's website as well as its products (T-shirts, coffee packets, and the like).

By featuring the iconic Rosie the Riveter image, MomsRising depicts a working mother who is patriotic, strong, and accomplished, but also deeply feminine and domestic. She works for country and for family, not for herself. MomsRising seeks to resolve the tension between employment and traditional femininity and family values by invoking a classic American image of Rosie that sought to couple those concepts.

Despite the *MOTHERHOOD MANIFESTO*'s titular call to arms and the cover image's vague associations with a period of radicalism, Rosie the Riveter, especially with MomsRising's modification, is more symbolic of a soothing status quo than of any major social transformation. Contrary to today's popular mythology that associates a pathbreaking status with the image, the Rosie the Riveter poster was not a government recruiting tool used to bring women into a workforce depleted by men's wartime service. Instead, the familiar Rosie image, captioned "We Can Do It!," was a shop poster commissioned by Westinghouse's internal War Production Coordinating Committee, a labor-management group that used motivational posters to increase production and decrease labor problems.⁹¹

Originally created by J. Howard Miller in 1942, the familiar poster was displayed inside Westinghouse factories in February 1943.⁹² Miller's Rosie was not an image many Americans saw during the war years. The "we" of the poster were not new recruits but the women already employed at Westinghouse who were cast as enthusiastic allies of corporate management. The image does not warrant the more radical associations sometimes ascribed to it of homemakers suddenly awakened to their capabilities as industrial workers.

Feminists and historians revived the Rosie legend in the 1960s and 1970s, but even then the Miller image did not gain widespread circulation; the original version of the image that MomsRising adapts was not broadly disseminated until the National Archives began reprinting the poster in the 1980s and selling souvenirs with Rosie on them.⁹³ Today

91. James J. Kimble & Lester C. Olson, *Visual Rhetoric Representing Rosie the Riveter: Myth and Misconception in J. Howard Miller's "We Can Do It!" Poster*, 9 *RHETORIC & PUB. AFF.* 533, 543–44 (2006).

92. *Id.* at 535.

93. *Id.* at 536.

the Miller "We Can Do It!" poster is iconic, reproduced on lunch boxes and aprons, and it has even inspired an action figure.⁹⁴

Just as there has been widespread confusion of fact and legend with respect to the poster's origin and purposes, there are also layers of popular mythologizing about the social history the poster represents. The official story from the 1940s and 1950s was that the women employed at Westinghouse and other factories during the war were patriotic housewives who took over men's jobs to serve their country and who happily left the workforce and returned to their families at war's end.⁹⁵ Feminist historians later revised the myth to convey how the demands of the war offered women work in unprecedented numbers and liberation from the oppression of home life.⁹⁶ Although postwar sexism forced most women back into the home, it was thought that the "Rosies" changed the position of women in the workforce forever.⁹⁷ Since the 1980s, historians have returned to this period to show that most women working in factories were single, not mothers and housewives, and that factory workers were still segregated by gender throughout the war; thus, after the war, these women were less likely to return to the home than to be displaced by returning servicemen and demoted to lower quality jobs.⁹⁸

In any event, the vast majority of women in the 1940s defined themselves primarily by their role in families—not as the gender-bending workers breaking onto the industrial ramparts that Rosie has come to signify.⁹⁹ Maureen Honey's analysis of the government propaganda directed at women during the war, for example, shows that the Office of War Information and the media

sought to reassure women that they need not choose between employment and traditional femininity Women's work [outside the home] was portrayed as a temporary extension of domesticity, rather than as an alternative to it, so that the war-

94. *Id.*

95. Ruth Milkman, *Gender, Consciousness, and Social Change: Rethinking Women's World War II Experience*, 16 CONTEMP. SOC. 21, 22 (1987) (reviewing four books on women and labor during World War II).

96. *Id.*

97. *Id.*

98. *Id.*

99. *Id.* at 23 (discussing D'Ann Campbell, *WOMEN AT WAR WITH AMERICA: PRIVATE LIVES IN A PATRIOTIC ERA* (1984)).

time propaganda itself paved the way for the postwar celebration of the traditional family.¹⁰⁰

In this view, Rosie represents, not a radical breach with separate spheres after all, but at most a limited deviation that left the gendered division of labor intact after the war and resulted in a renewed glorification of feminine domesticity.

MomsRising's adoption of Miller's Rosie image is revealing, as is the way in which it modifies the iconic figure. It takes the portrayal of the working woman's femininity one better—this Rosie is feminine and fertile. The fist has disappeared and this Rosie's arm instead cradles a baby; she is showing off, not her muscle, but her happy child. This is the working mother as the Madonna, as an immaculate postfeminist woman who can have children and equality without troubling men.¹⁰¹ One aim of this image is to encourage only the smallest of inferences: that the now relatively uncontroversial cultural acceptance of working women and of basic sex equality be extended as well to working mothers.

Perhaps most interesting of all, there is not a hint of anger, resentment, or rebelliousness in the MomsRising Rosie. The defiant pout of Miller's image has been changed to the slightest smile. This maternal Rosie has come to politics out of love, not anger. Now that Rosie has become a mother, her feisty, youthful power has been domesticated. The potency of the image for MomsRising comes in part from its feminist connotations but also from the other, earlier-embedded meanings: the early courage and unintended radicalism of women moving into the economy as well as the femininity and domesticity that followed in the postwar years. MomsRising would like to cast its agenda, like the World War II war effort, as a patriotic American project, supported by government but also market and business friendly, that strengthens rather than threatens the American family. Thus, the motivational shop-floor poster, which was re-imagined and publicized in the 1980s as an icon of women's equality, has been picked up for its wholesome, motivational energy and hints of what turns out to be ersatz radicalism. It has been domesticated and even further de-radicalized in the service of an

100. *Id.* (discussing MAUREEN HONEY, *CREATING ROSIE THE RIVETER: CLASS, GENDER, AND PROPAGANDA DURING WORLD WAR II* (1984)).

101. In some versions of the MomsRising logo, there are rays of light behind the mother and child, evoking classic images of the Madonna and child. Compare http://adakay.com/wp-content/uploads/2008/09/2banner_210x160_3.gif, with <http://www.flickr.com/photos/36735978@N05/3589860176/>.

immaculate feminist agenda: working mothers' equality that does not require anything of men.

2. Bev Better: The Self-Mocking Super Mom

Another of MomsRising's signature images is a cartoon character mother, Bev Better, who, like Rosie, has distinctively retro appeal, and also exemplifies new maternalism. THE MOTHERHOOD MANIFESTO DVD is punctuated with twenty-second cartoon spots called *Mom Matters* interjected between the DVD's serious, documentary-style tales of work-family crises.¹⁰² Via the chipper monologue of the cartoon's lone character, Bev Better, the spots highlight the impossible expectations working mothers face in the absence of basic policy supports like paid parental leave, after-school programs, and health care for all children. *Mom Matters* is meant in part to convey hipness, working off *The Simpsons* model of the sarcastic cartoon for grown-ups.¹⁰³ Bev Better's parody of the do-it-all mom tries to speak to a postfeminist generation that embraces makeup and miniskirts with a new, empowered, and ironic twist—a generation of working women that does its mothering with an overwrought “perfect madness” even while it knowingly mocks such perfectionism.¹⁰⁴ In tapping into these ambivalent cultural strands, MomsRising tries hard to make Bev Better current with today's working-mothers culture. But, like so much of that culture, the DVD re-emphasizes women's responsibility for traditionally female care work, naturalizing and reinforcing the absence of men in the parenting picture. The cartoon's sarcasm stands in for any real critique of gender culture or analysis of the inadequate social supports for family care. Bev is flip and sarcastic about lots of things in working mothers' precarious routines, but fathers don't appear to share their exasperation, nor does their absence even rate a sardonic dig; they are just not relevant.

Stylistically, *Mom Matters* plays with a range of potent female and genre stereotypes—notably, stereotypes of women who star in the absence of men. Bev Better is vaguely reminiscent of the 1930s cartoon icon Betty Boop, with her baby-faced, sex-kitten femininity. Bev, like

102. See MOMSRISING, *The Motherhood Manifesto*, YouTube (Sept. 5, 2006), <http://youtu.be/17x235VynTY>.

103. See *id.*

104. Judith Warner captures the ambivalent thralldom of elite professional women's mothering in contemporary America in the absence of the kind of social support that Warner herself enjoyed during her first three years of motherhood in France's social democracy, which offers many public benefits to support families. See JUDITH WARNER, *PERFECT MADNESS: MOTHERHOOD IN THE AGE OF ANXIETY* (2005).

Betty, sports a cartoon coiffure, bee-stung red lips, beauty mark, round and lashy eyes with a ready wink, miniskirt, and big, round boobs. Betty Boop is a handy prototype for Bev Betters: Boop, a “husbandless housewife/career girl,”¹⁰⁵ has been hailed as an exemplar of “fatale feminism” for being a sexy, original, and independent female character not appended to any man. (Her nominal boyfriend, in fact, was a dog named Bimbo).¹⁰⁶

But Betty Boop’s weirdly infantile feminine glamour is replaced in the Bev character by familiar attributes of today’s competent (albeit stressed) working mother. Bev Betters evokes and mocks the contemporary stereotype of the ambitious, hardworking, too-perfect homemaking success that Martha Stewart epitomizes. Bev Betters, like Martha, is a parody of the woman who does it all—someone *better* than any of us, whom we love to hate. MomsRising joins the crowd in making fun of Martha Stewart-ism, affirming that we are smart enough to know that what we need is not to work more furiously toward perfection but to militate for better public policy. But MomsRising is uncritical about one aspect of Martha’s approach: if the world is going to be remade for women, there is no point in trying to get men in on the project. The domestic world continues to belong to women.

3. The Centrality of the Domestic Arts

The terms “rising” and “manifesto” in the titles of the campaign and its playbook allude to revolutionary politics, but MomsRising’s rhetoric is all motherhood and apple pie. MomsRising is steering wide of the kind of gaffe that First Lady Hillary Clinton made when she appeared to denigrate domesticity with her 1992 observation that she was not the kind of woman who “stayed home, baked cookies and had teas.”¹⁰⁷ Unlike the liberal feminism of the 1970s (or at least its stereotype), this campaign embraces the domestic arts of mothers.

For example, MomsRising has simultaneously claimed cookie baking as a power play and depoliticized it. As the Washington state legislature neared a vote on state-level paid family leave, MomsRising

105. See *Betty Boop*, WIKIPEDIA, http://en.wikipedia.org/wiki/Betty_Boop (last visited Mar. 7, 2008).

106. *Biography*, BETTYBOOP.COM, <http://www.bettyboop.com/forums/showthread.php?p=191545> (last visited Mar. 7, 2008).

107. Deborah L. Rhode, *Media Images, Feminist Issues*, 20 SIGNS 685, 698 (1996) (analyzing press coverage of Clinton’s cookie-baking comment).

organized the effort to bake and send them six hundred cookies.¹⁰⁸ With similar gusto for the domestic arts, MomsRising's website once prominently listed under the heading "What's Cooking?" a "menu" of options for political action that includes various potential action items dubbed "The Main Course," "The Vegetable Dish," and "The Dessert."¹⁰⁹ In asking members to fill out questionnaires on their legislative priorities, MomsRising urges mothers to "tell us what you'd bring if we had a MomsRising bake sale at your state capital."¹¹⁰ MomsRising promotes its DVD and agenda by recommending at-home dessert parties to watch and discuss *THE MOTHERHOOD MANIFESTO*; hostesses might break the ice, MomsRising suggests, by asking guests for their funniest story about juggling family life,¹¹¹ or to discuss their favorite dessert.¹¹²

MomsRising expressly appeals to stay-at-home mothers and part-time workers by serving up ways to engage in "naptime activism" over the Internet. Their activism also deploys the emblems of hands-on motherhood in the "Power of ONEsie" campaign.¹¹³ The Power of ONEsie uses public displays of multitudes of donated white cotton baby bodysuits—the ubiquitous basic of every infant's wardrobe—as a "way to show the real people behind the policies" (the "real people" being the infants, not the mothers).¹¹⁴ The Power of ONEsie campaign operates by getting mothers to hand decorate the onesies "with fabric paint, markers, or even rhinestones!" and to include "catchy slogans ('Paid

108. *Taking Action, Making Changes*, MOMSRISING, <http://www.momsrising.org/page/moms/MakingChanges> (last visited Mar. 7, 2008) (quoting a MomsRising member: "What better way to reach legislators than through their stomachs? . . . Within days of the crucial House vote, 600+ cookies were delivered to all 98 representatives with hopes of leaving a powerful impression in their minds (and stomachs!). I was overwhelmed at the quick response from the moms willing to help out on such short notice despite their hectic schedules. We'll never know what kind of impact a little 'ole batch of cookies made, but I like to think it pushed at least one or two votes over the edge!").

109. *What's Cooking?*, MOMSRISING, http://www.momsrising.org/neighborhood/issue_of_month (last visited Jan. 7, 2012).

110. *Id.*

111. MomsRising, apparently alert to the risks of putting stay-at-home mothers on the defensive, does not recommend asking about stories of juggling work and family life. Feminism has long struggled with the downsides of implying that stay-at-home mothers made the wrong choice or deserve less respect than women in the paid workforce and MomsRising evidently seeks to avoid those shoals.

112. *House Party Agenda*, MOMSRISING, <http://www.momsrising.org/blog/partyagenda/> (last visited Jan. 7, 2012).

113. *The Power of ONEsie!*, MOMSRISING, <http://www.momsrising.org/page/moms/PowerofONEsie> (last visited Jan. 7, 2012).

114. *Id.*

family leave or bust!') or your hopes for the future."¹¹⁵ MomsRising then displays the garments on clotheslines at demonstrations at state capitals.

MomsRising's enthusiastic propagation of a culture of maternal caregiving and domestic craft picks up on a long tradition of feminist activists striving to reassure the mainstream public that traditional housewives support women's movement goals and that the reforms the movement seeks will not cause women to abandon the home. Supporters of the Equal Rights Amendment (ERA), for example, turned to the kitchen in 1973 to dispel the notion that they were "a bunch of man-eating harpies."¹¹⁶ In one noted instance, seventy-five pro-ERA housewives came together to serve Eggs Benedict to members of the Illinois legislature when it was poised to consider the amendment.¹¹⁷

But the ERA experience also exposed the double edge of the domestic-arts strategy. As it turned out, Phyllis Schlafley's anti-ERA forces deployed their own kitchen credibility. The day before the planned ERA proponents' legislative brunch, anti-ERA forces gave all the legislators small loaves of home-baked bread carrying the label "Let us stay in the kitchen."¹¹⁸ What started as a lobbying effort devolved into something more like a bake-off. Yet the ERA's proponents could not afford to abandon the hallowed ground of domesticity. Instead, they continued to inundate legislators with "breads, pastries, valentines, tea roses, forget-me-nots, and the like."¹¹⁹ Even while those efforts trivialized the serious issues of gender justice at stake, the ERA movement clung to them, in part to avoid being caricatured as angry, man-hating "women's libbers."¹²⁰ An implicit message then and now is that there is nothing inconsistent about traditionally feminine domestic values and the kinds of political change that the activists sought. "Don't worry," these domestic gestures suggested, "we will not abandon the home."

The cultural context has shifted since 1973, however, and the symbolism has changed with it. MomsRising no doubt understands its own celebration of maternal domesticity as distinct from the kind of defensive strategy the ERA movement waged in the 1970s. Successfully combining features of traditionally feminine homemaking with political power seems more plausible and progressive today than forty years ago, thanks in part to strands of cultural and third-wave feminism that exalt

115. *Id.* There is also a "non-crafty option," whereby you can buy a onesie and have the MomsRising people decorate and display it for you.

116. DEBORAH L. RHODE, *JUSTICE AND GENDER* 73–74 (1989).

117. *Id.*

118. *Id.* at 74.

119. *Id.* at 75.

120. *Id.* at 69, 75.

motherhood and the feminine. A central insight of the cultural feminist critique of liberal, formal-equality feminism was that the formal equality approach embraced traditionally masculine values without sufficient skepticism. Cultural feminism in philosophy, law, politics, and culture has sought—with some success—to elevate the social value placed on care, duty, and interdependence, in contrast to liberal feminism's almost exclusive focus on (traditionally masculinized) autonomy, rights, and individual liberty.¹²¹

Picking up on the revaluing of care and family, third-wave feminists, particularly the daughters of second wavers, have tended to “embrace motherhood as the ultimate personal fulfillment.”¹²² There is, now, a way publicly to value mothers' work in the home that is consistent with feminism. MomsRising's cultural presentation reflects its knowledge that mothers do most of the cooking, shopping, cleaning, laundry, and lunchbox packing for American households and that many mothers value and identify with those activities.¹²³ MomsRising picks up on the strands of contemporary culture and feminism that are unapologetic—indeed, celebratory—about motherhood, femininity, and family. What it overlooks is the importance of men's duty and opportunity to participate actively and equally in the re-valued domestic sphere and the problems of naturalizing women's place there.

B. The Conflicted Feminisms and Identity Politics of MomsRising and New Maternalism

For all its feminist foundations, MomsRising's flavor is distinctly non-feminist and/or postfeminist. MomsRising deploys the maternal wage gap to mobilize women, yet the concept of sex discrimination or inequality is barely mentioned. It depicts a world in which men are in positions of power—as political leaders and corporate decision-makers

121. See generally Robin L. West, *Do We Have a Right to Care?*, in *THE SUBJECT OF CARE: FEMINIST PERSPECTIVES ON DEPENDENCY* 88–114 (Ellen K. Feder & Eva Feder Kittay eds., 2003); EVA FEDER KITTAY, *LOVE'S LABOR: ESSAYS ON WOMEN, EQUALITY, AND DEPENDENCY* (1999). West's article is the classic legal statement of “cultural” or “difference” feminism, and Kittay's book is a philosophical discourse on how care work contributes to inequalities.

122. Bridget J. Crawford, *Third-Wave Feminism, Motherhood and the Future of Legal Theory*, in *GENDER, SEXUALITIES AND LAW* 227, 228 (Jackie Jones et al. eds., 2011) (stating that the women whose work she analyzes “contribute to the very mythology of motherhood that prior feminists sought to vanquish”).

123. West, *supra* note 121, at 89 (explaining important and valuable ways that caregiving is part of adult identity, “whether or not we like it or regardless of how we regard it”).

who can affect women's work-life balance—but mostly absent from the home. MomsRising does not name the gendering of the domestic sphere nor the male public dominance that it sustains as problems of sex inequality. Instead, MomsRising advocates, in more general terms of “fairness” and “good policy,” reforms that would allow mothers “to continue to work effectively while raising a family.”¹²⁴ It frames its favored reforms, like flextime and paid family leave, in presumptively sex-neutral terms, but it never defends them as anything that men also really need or are expected to use. Nor does the cultural project of MomsRising overtly depict or celebrate the successes and promise of quality day care, after-school programs, or other sites of non-parental caregiving outside the mother-tended home.

Instead of helping its constituency to envision a more egalitarian work and home life, MomsRising develops a deeply gendered cultural presentation in tension with its stated goals. For example, each chapter of the *MOTHERHOOD MANIFESTO* ends by identifying what “mothers need” and “mothers want”; in the world MomsRising makes, mothers are the natural market for these policies.¹²⁵ It advocates public support for the traditionally female work of family caregiving, formally without regard to whether it is done by women or men, yet MomsRising avoids upsetting, dissolving, or renovating gender roles.

Given that unequal and gendered care work plays an important, even central, part in the very problems that new maternalism laments and tries to address, why does new maternalism avoid the issue? The answer lies in a commitment to identity politics coupled with a profound ambivalence about the legacy of second-wave feminism. The reality is that mothers are, in effect, a ready-made coalition. Women who identify as mothers come from every class, race, ethnicity, political party, marital status, and sexual orientation. Even as feminism is losing allure, motherhood remains a powerful rallying point and enables political action on gendered issues that steers clear of feminism and its controversies. By framing itself in terms of “mothers” rather than either “women” or “parents” (not to mention the numerous other possible categories of caregivers), new maternalism taps into the power of a certain form of female identity politics while simultaneously distancing itself from the more controversial identities that feminism offered.¹²⁶

124. *THE MOTHERHOOD MANIFESTO*, *supra* note 82, at 87.

125. And employers follow suit, disregarding the sex-neutrality of their parenting leave policies or earmarking part-time jobs as opportunities for mothers.

126. The category of “mother” also feels sufficiently natural that it maintains a distance from identity politics itself. Yet the very heterogeneity of the maternal category

1. Banishing Men

New maternalism appears to accept that men hold political power and are effectively absent from domestic work. Beyond token references—like a Father's Day e-mail plea to "Bring on the Dads," which acknowledged that fathers and male caretakers may have a stake in the *Motherhood Manifesto*—MomsRising has decided against more fully imagining men's responsibility for engaged family caretaking. That failure to take seriously the notion that men and fathers (regardless of whether they are married to their children's mother) might actually do equal or even primary care work bolsters assumptions that make it less likely that men will share the burdens that MomsRising so concretely illuminates in women's lives.

MomsRising brackets the egalitarian parenting question, substitutes maternalism for feminism, and works to mobilize women to seek corporate and governmental support to make work and family function better together. MomsRising, and new maternalism more generally, steadfastly avoid confronting men about the poverty and discrimination women encounter when they shoulder both market and care work. New maternalism does not call on women to protest the failures of fathers to do equal shares of the work of parenting. New maternalism also does not reflect on whether women themselves abet household inequality by consistently taking up the slack at home, and thereby helping to fuel a cycle of gendered expectations. MomsRising makes no issue of the paucity of paternal economic support for the one third of American households headed by single women. The sarcastic quips of Bev Betters are directed not at an absent or unengaged father but at employers and governments that fail to provide family-friendly policies. By constructing families and parenting as a mothers' concern and looking to public policy to help mothers out, MomsRising manages to sidestep gender conflict altogether. At the heart of its good-natured attitude is reluctance to consider the power relationships between women and men at home and at work.

There is a way in which new maternalism's exclusive focus on women seems both sensible and empowering. It responds to statistics showing that a large and growing fraction of households are headed by single mothers. It fits also into a narrative in which, single or not, women have lost patience with waiting for men to change. MomsRising mobilizes women to advocate for their families' needs and, in doing so, find a sense of worth and power apart from men. And yet, by avoiding

requires a subtle maternal performance that glosses over the many other identity conflicts among mothers, especially those of race, class, and politics.

the issue of gendered roles within families, MomsRising and new maternalism avoid casting men in any role in the family at all. To avoid gender confrontation, MomsRising casts women as the true parents and airbrushes men out of the family. Not only are men irrelevant, but messy sexual politics are also beside the point. Given the undeniable role of unequal parenting in mothers' economically precarious and untenable circumstances, MomsRising's banishment of men and failure to examine the gendering of care work is a serious mistake.¹²⁷

2. Banishing Feminism

New maternalism also suppresses its own conflicted feminism, a conflict born of feminist debts as well as distaste for feminism's cultural legacies. Many of the central tenets of feminism are widely accepted and evident in the MomsRising campaign, but others—and the feminist label itself—are met with confusion, skepticism, or outright hostility. In keeping with a third-wave and postfeminist discomfort with some of second-wave feminism's critiques of both traditional masculinity and feminized domesticity, MomsRising embraces familial care as work that is important and dignifying. Its silence on the role of men and fathers, however, reinforces popular orthodoxies of motherhood, fatherhood, and their distinctiveness, and leaves intact the entrenched gendering of care. It is in this sense that, despite an implicitly feminist political agenda aimed at easing the strains on mothers, MomsRising depoliticizes motherhood and misses an opportunity to depict how parenthood might better be reconciled with sex equality.

Both of MomsRising's cofounders come from feminist stock,¹²⁸ and MomsRising builds on the gains of feminism. For example, MomsRising takes for granted that mothers do and should work in the paid labor market. Unlike old-style, right-wing antifeminists, MomsRising never suggests that all mothers should stay at home long-term, supported by breadwinner husbands. Instead, MomsRising reminds us that three fourths of mothers are employed,¹²⁹ depicts working mothers as good, sympathetic parents (whether a father is in the picture or not), and

127. Policy inadequacies such as those that MomsRising targets also impoverish and disempower mothers. Our point is not that new maternalism is the sole or even principal problem, but that it plays a substantial and underexamined part in stalling the very progress MomsRising seeks.

128. See ROWE-FINKBEINER, *THE F WORD: FEMINISM IN JEOPARDY: WOMEN, POLITICS AND THE FUTURE* (2004); *THE MOTHERHOOD MANIFESTO*, *supra* note 82.

129. *THE MOTHERHOOD MANIFESTO*, *supra* note 82, at 7; BUREAU OF LABOR STATISTICS, *supra* note 1.

doesn't look back. It at least implicitly acknowledges the growing reality of families headed by single women, and usefully resists the right-wing pro-marriage movement that has grown so forceful of late, especially in the context of the politics of welfare.¹³⁰

MomsRising also clearly reflects a liberal feminist legacy in the sex-neutrality of its preferred reforms. Despite the organization's maternal title and rhetoric, all the family-friendly workplace policies that THE MOTHERHOOD MANIFESTO demands—from paid family leave to open flexible work to realistic and fair wages—would apply to fathers and mothers alike. The book's chapter headings are organized as an anagram of M-O-T-H-E-R, but the "M" stands for "Maternity/Paternity Leave," and each reform, right down to "R-Realistic and Fair Wages" is designed to include any fathers who might also lack the tools to balance work and family care, such as a living wage.¹³¹ If the MANIFESTO prevailed, fathers would be equally entitled (albeit not encouraged) to take paid family leave, adjust their workplace hours, receive healthcare coverage for their children, earn an adequate paycheck and other benefits, and achieve a better work-family balance.

Yet in trying to garner support for undeniably feminist issues among a younger generation of feminism skeptics, MomsRising adopts a gender-based identity politics without the baggage of feminism. The suppression of feminism is quite deliberate. The MomsRising MOTHERHOOD MANIFESTO book and DVD, as well as the MomsRising.org website, "scrupulously avoid the now-loaded word 'feminism.'"¹³² The group's debts to feminism are so masked because its founders know that feminism is currently uncool. While it embraces feminist gains and advances some of feminism's own goals, MomsRising refuses to draw expressly on feminist theorizing, even mocks feminism, and celebrates motherhood instead. Cofounder Rowe-Finkbeiner explains the campaign's avoidance of feminism by observing that "[t]he word itself, feminism, has been disassociated from any political meaning. It's taken on an entirely different cultural meaning that mostly has to do with body hair."¹³³

The difficulty is not, however, that feminism lacks meaning; the problem is that the term is too encrusted with it. Feminism has lost caché as it has ossified in the popular mind as a set of stale stereotypes detached from feminism's distinctive insights. For example, new mater-

130. ROBIN WEST, MARRIAGE, SEXUALITY, AND GENDER 78–86 (2006).

131. THE MOTHERHOOD MANIFESTO, *supra* note 82 *passim*.

132. Eliza Strickland, *Mother's Work*, S.F. WEEKLY, Dec. 6, 2006, <http://www.sfweekly.com/2006-12-06/news/mother-s-work/5/>.

133. *Id.*

nalism's reluctance about feminism picks up on pervasive reactions against feminism as man-hating or male-bashing. A younger generation of third-wave and postfeminists focuses more on opportunities for women rather than oppression by men.¹³⁴ There are no angry demands in the household of new maternalists. A politics that required more of men—and so might trigger more gendered confrontation over policy demands—would, in the estimation of new maternalism, be a non-starter for many young mothers. Neither are we suggesting that family conflict and finger wagging will solve the larger problems of economic, social, and political equality. However, the cultural orthodoxies of gendered care work must be made visible. Much of new maternalism does quite the opposite; out of fear of the feminist connotations of gendered demands, it romanticizes and reinforces the mother as the primary parent. Men are unlikely to take over household work when it is affirmatively naturalized as belonging to women.

For MomsRising, feminism supplies important foundations but, in its view, cannot energize the public to push for work-family reform. For that impetus, the group turns to maternal identity, which it has sought to invigorate with an ironic, contemporary sensibility. What MomsRising has produced, however, is repressed feminism and a neo-maternalism that together capture more of the predicaments than the pathways forward for any movement that would seek to galvanize younger parents on public policy issues of work, family, and sex inequality.

In contrast to liberal political advocates, Sarah Palin and her Mama Grizzly followers have been much less reluctant to call themselves feminists.¹³⁵ In reality, Palin and the Tea Party movement—like MomsRising—deploy a blend of feminism and antifeminism.¹³⁶ Indeed,

134. ROWE-FINKBEINER, *supra* note 128, at 90.

135. *CBS Evening News With Katie Couric* (CBS television broadcast Sept. 30, 2008) (transcript available at <http://www.cbsnews.com/stories/2008/09/30/eveningnews/main4490618.shtml>). In Katie Couric's interview of Sarah Palin, Palin said she felt "very thankful that I've been brought up in a family where gender hasn't been an issue. You know, I've been expected to do everything growing up that the boys were doing. We were out chopping wood and you're out hunting and fishing and filling our freezer with good wild Alaska game to feed our family. So it kinda started with that." *Id.*

136. There is an abundant literature on how, why, and whether Palin and the Tea Party movement are legitimately feminist. Compare Kathleen Parker, *A Feminism that Spans from Palin to Pelosi*, WASH. POST, June 23, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/22/AR2010062203211.html> with Jessica Valenti, *Opinion: The Fake Feminism of Sarah Palin*, WASH. POST, May 30, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/28/AR2010052802263.html>; Rebecca Traister, *Zombie Feminists of the RNC*, SALON (Sept. 11, 2008, 7:00 AM) <http://www.salon.com/2008/09/11/>

the movement is fueled by conservative women who culturally embrace the homemaker role but, during the recent recessions, have increasingly gone to work outside the home. According to journalist Hanna Rosen, the ambivalence conservatives once had about women entering the workforce or running for public office and sacrificing some of their domestic time has mostly disappeared, hastened by Sarah Palin,

who created a whole new model of mother activist. None of the contradictions got worked out: She works; she has small children; she defends the traditional family although she's probably home only one day a week. Never mind, after 20 years, conservatives have made peace with her type, and embraced it.¹³⁷

Not surprisingly, perhaps, conservative maternalism fully embraces motherhood as the best and primary role of women. Unlike old-style Phyllis Schlafley antifeminism, right-wing new or hybrid maternalism does not see motherhood as a woman's only job; it does, however, see motherhood and care work as only a woman's job. It does not suggest that men ought to be sharing more in domestic labor. What is more surprising is that liberal new maternalism also appears to share these commitments—both to working women and to women as primary caregivers. Both liberal and conservative strands suppress the potential gender conflict in a way that powerfully reinforces women's second shift and many of the inequalities that flow from that arrangement.

The point is not that MomsRising should more fully own its feminism or that Sarah Palin should disown hers. Both the debate over the meaning of the term and the hesitation of many women to identify as feminists is illuminating; it suggests the lack of a larger consensus about what women's equality should mean today and how women should negotiate equality with men. But if it is to mean much at all, any vision of equality must confront the gendered distribution of domestic labor and the persistent naturalization of the mother-as-caregiver by maternalist groups on both the right and left. MomsRising and Mama Grizzlies exemplify the ways that we are caught up with issues of deep concern to feminists at a time when the prevailing popular understandings of feminism do not offer a fully satisfying approach.

zombie_feminism. See also Amanda Marcotte, *A Short History of "Feminist" Anti-Feminists: The Early Sisters of Sarah Palin*, SLATE (June 8, 2010, 10:00 AM), <http://www.slate.com/id/2256184>.

137. Rosin, *supra* note 86.

However strategically apt it might be for MomsRising to distance itself from feminism as such, the group's invocation of an iconic mother, updated for today, and its avoidance of the male as potential caretaker, is counterproductive. MomsRising's maternal portrayal echoes but distorts cultural feminism's admiration for the care work that women do; instead of elevating care to a social value that everyone—male or female—should embrace, MomsRising suggests that parenting somehow belongs to women. This version of gender essentialism—that it is women who themselves claim parenting as the province of their sex, to the exclusion of men—goes beyond the classic notion that male-dominated law, institutions, and culture relegated women to the home. It suggests to men who might be inclined to “mother” that women do not really welcome them.

In sum, sex inequality in parenting and its principal interrogator, feminism, are nowhere expressly mentioned in the MomsRising campaign, but MomsRising implicitly says much about the current state of both. While not surprising, it is perversely ironic that Sarah Palin, standard-bearer of the political right wing that traditionally derided feminism, is more willing to embrace the feminist label than a mainstream liberal-centrist group like MomsRising. By advocating traditionalism in gender roles, conservative women have much more leeway to call themselves feminist. Fear of feminism, however, produces problematic consequences for progressive groups. Caught between the successes and failures of feminism, MomsRising leaves “feminism” to conservative co-optation and retreats to its new maternalism.

3. Banishing Second-Wave Mothers

There is an intergenerational dynamic at play in new maternalism as well. New maternalism's target audience includes adult daughters of the second-wave feminist generation of the 1970s. Many of these young mothers are the products of feminism but eager to distance themselves from it. The current generation, often referred to as a “third wave” of feminism, defines itself to some extent in opposition to the second-wave view of the household and maternity as sites of oppression.¹³⁸ As

138. There are numerous ways to characterize and define third-wave feminism. See, e.g., *id.*; Bridget J. Crawford, *Toward a Third-Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure*, 14 MICH. J. GENDER & L. 99 (2007); Barbara Ann White, *Traversing 2nd and 3rd Waves: Feminist Legal Theory Moving Forward*, 39 U. BALT. L. F. 1 (2008); IMELDA WHELEHAN, *MODERN FEMINIST THOUGHT: FROM SECOND WAVE TO “POST-FEMINISM”* (1995).

MomsRising's cofounder Rowe-Finkbeiner writes, "[t]here is more than a little 'mother-daughter' tension thrown into second- and third-wave interactions."¹³⁹

The way that new maternalism stands apart from an older generation of feminism and feminists illustrates some of the tensions between the second wave and the current generation. Studies suggest that part of younger women's ambivalence about feminism comes from a sense that, although the feminist movement had been positive, "it may have 'gone too far' and negatively affected relations with men."¹⁴⁰ To identify the relative lack of male caregiving and urge fathers to participate more fully in the domestic realm would be to upend the gender détente of third-wave and postfeminism, and to re-engage their parents' unfinished struggle. Instead, third-wave and postfeminist women are inclined to reject one of the central aspects of second-wave feminism: the subordination critique and the challenge to conventional gender roles that it poses.

In trying to appeal to younger mothers, new maternalism does not fight its ambivalent relationship to feminism but embodies it. While the women's movement has done the most thus far to lay the theoretical groundwork for reconciliation of work in both the family and the market,¹⁴¹ new maternalism not only avoids expressly invoking feminism, but to some extent uses second-wave feminism as an implicit foil. In a cultural break from their mothers' generation, some of the women who have been defining voices of third-wave feminism write swooningly about their new motherhood. They cast maternity principally as personal discovery and a form of deep personal fulfillment while giving few hints that it might have any broader implications for their economic independence or their experience of sex equality.¹⁴² New maternalism is helped along by the current popular fascination with celebrity "baby

139. ROWE-FINKBEINER, *supra* note 128, at 95.

140. Pamela Aronson, *Feminists or Postfeminists? Young Women's Attitudes Toward Feminism and Gender Relations*, 17 GENDER & SOC'Y 903, 906 (2003).

141. See, e.g., OKIN, *supra* note 4, at 118–19; WILLIAMS, *supra* note 4, at 64–65; Reva B. Siegal, "You've Come a Long Way, Baby": *Rehnquist's New Approach to Pregnancy Discrimination* in Hibbs, 58 STAN. L. REV. 1871 (2006).

142. Crawford, *supra* note 122. As Crawford notes in her study of third-wave maternal biographies, "Third-wave feminists emphasize their fertility over the menopause of women in the preceding generations. Third-wave feminists' literal and figurative mothers are passé, spent and past their prime." *Id.* at 3. Helping to define this theme, Rebecca Walker, daughter of author Alice Walker, writes and speaks publicly about the glories of motherhood. She tells college audiences that "being pregnant is the best. I highly recommend it. I really do." Crawford sees that kind of maternal proselytizing as contributing "to the mythology of pregnancy as a natural, blissed-out state." *Id.*

bumps” and a new wave of young mothers depicted in popular culture as proudly taking unplanned pregnancies in stride and advocating that others do the same.¹⁴³ In this way new maternalism actively fosters the cult of motherhood.

The ambivalence of today’s twenty-somethings toward feminism is mirrored in the ambivalence of new maternalism itself; not surprisingly, as it decides to “take a break from feminism,”¹⁴⁴ new maternalism reinstates some of the most depoliticized images of mothers, reinforcing motherhood’s putative naturalness and gendered clichés. It also forgets or ignores the many sons of second-wave mothers and feminist fathers who are themselves the cutting edge of their generation willing and even wanting to do domestic work. Even as it aims at third-wave and post-feminists, new maternalism fails to ignite a more current gender politics that might be dynamic, irreverent, and able to reimagine more equal gender roles for women and men.

C. The Problematic Appeal of the Paradigmatic Mother

New maternalism’s negative effects are at once stubbornly invisible and all too clear. They may be hard to appreciate when there is so much that resonates about the new maternalists’ approach. New maternalism is a strategy for mobilizing women via sex-based identity politics but without feminist baggage. It is a welcome corrective to second-wave feminism’s sometimes too ready embrace of traditionally male norms. New maternalism acknowledges how much women’s actual experience and priorities are centered—in a way that most men’s still are not—on the work of parenting. New maternalism attempts to use in fresh and liberating ways an aspect of women’s role and identity that historically has been a source of economic disempowerment and social constraint. It seeks to trade on the distinctive moral authority of mothers while reversing the negative cultural valence of motherhood in favor of a hip, empowered, confident, and appealing version of “Mom.” And there is an attractive message of empowerment in new maternalism: the mothers of today, it suggests, are not going to wait anymore for men to do their

143. Irin Carmon, *My Group Therapy Session with Sarah Jessica Parker*, JEZEBEL (Sept. 16, 2011, 12:00 PM), <http://jezebel.com/5840702/my-group-therapy-session-with-sarah-jessica-parker> (blog post describing a panel discussion following a screening of the film *I Don’t Know How She Does It*, hosted by Moms In The City, with an audience filled with mombloggers eagerly quizzing actress Sarah Jessica Parker about how she manages to be “the ultimate working mom.”).

144. See JANET HALLEY, *SPLIT DECISIONS: HOW AND WHY TO TAKE A BREAK FROM FEMINISM* (2006).

share but are seizing the political power of the female majority to side-step intransigent men and make policy change on their own terms.

Mothers are, moreover, a ready-made coalition that can cross racial, economic, cultural, religious, geographic, and political lines in advocating reforms to alleviate many of women's most common, pressing needs. MomsRising, in particular, harnesses a tacit redistributive potential of maternalist identity politics; the group's political ambition is to mobilize upper-class mothers to support reforms that would serve the needs of a broader range of mothers, including lower- and working-class women in a variety of household arrangements. Even MomsRising's "poster moms" are not wholly conventional; while the target audience is certainly middle and upper-middle class, the mothers MomsRising seeks to mobilize are not necessarily stay-at-home mothers, nor are they necessarily married. The group's web-based presentation clearly recognizes the realities and the needs of working and single mothers. New maternalism's focus on issues central to family thriving should not be trivialized; if we have learned anything from second-wave feminism and the responses to it, it is that the obligations and satisfactions of nurturing dependants have enormous social and personal value.

Nonetheless, there is no escaping the fact that new maternalism reinforces and promotes a set of cultural assumptions about what it means to be a mother, as distinct from any other parent, or member of a household, or citizen, or even community institution such as a school or child-care center. It implies that little has to change in terms of gender roles within families and ignores the major innovations that are already occurring as a growing minority of fathers and other male caregivers take up more care work. The images of mothers that new maternalism fashions and those that it distances suggest that it has mostly added a little third-wave window dressing to the conventional options for public performances of motherhood. It fails to depict any options for fatherhood whatsoever. For all its artfulness and resonance, new maternalism has not begun to rethink the gendering of family roles and care work. Instead, it actively reinforces the narrowness of the choices that mothers and fathers reasonably feel are available to them. New maternalism firmly lodges family care where it long has been stuck: in the hands of women, left to do their private best in mediating the increasingly insoluble conflicts between raising a family and supporting it economically, not to mention having an equal chance for autonomous, empowered adult experience involving self-expression and fulfillment not dramatically limited by outsized obligations to others.

MomsRising's entire platform turns on the potential of public policies to address work-family conflict, but it misses both a deeper appeal

and deeper problems of new maternalism. The deeper appeal is the emotional benefit of community, husbandry, and engagement in non-commodified labor. Unrecognized costs, however, are also part of the new maternalist package. Those costs are the reinforcement of gendered role constraints and material inequalities at home and at work. Because of its commitment to a gendered mother, both the costs and benefits of new maternalism are reserved for women. That is counterproductive, not only for the women MomsRising includes, but also for the men it excludes.

1. Reserving Benefits for Women: Anti-Commodification, Husbandry, and Community

New maternalism's celebration of mothering seems like a welcome corrective to the different ways that both traditional patriarchal culture and second-wave feminism devalued maternal nurturance and its associated virtues. What is missing in that corrective, however, is the recognition of a value, tradition, and future for men in the same domain. The "maternal" values of care, duty, and interdependence that new maternalism taps into are particularly satisfying as an antidote to the anomie produced by the over-commodification and social atomization of modern American culture. Part of the appeal of devoting time to children and domestic life comes from the satisfaction of engaging personally in non-commodified activities: keeping company with, teaching, and advising one's own children (and their friends, teammates, and peers) rather than contracting out the maximum amount of that work to nannies or daycare; producing a home-cooked meal rather than ordering out; packing a lunch rather than lunch money; planting one's own tomatoes rather than buying them; making crafts or costumes or playing cards or games rather than parking children in front of TV or computer games.¹⁴⁵ Accelerated commodification over the past few decades—of child care, meals, housework, entertainment—is certainly not all bad. Indeed, it has made it possible for working families to carry on and thrive. In our postindustrial, highly commercialized cultural environment, however, non-commodified activities are relatively rare and provide distinctive pleasure and value.

Part of the draw of the culture of new maternalism is its tacit recognition that something is lost with the full commodification of the

145. Ironically, the desire to engage in non-commodified activities has spawned an Internet-based networking phenomenon and an entire segment of commercial industry aimed primarily at women who desire an escape from commercialized life.

household, a place that had been one of the last postindustrial bastions of non-market value. It is no accident that MomsRising taps into domestic arts and a do-it-yourself culture; new maternalists are onto an important contemporary yearning. The surprising success at the end of the twentieth century of *HOME COMFORTS*, an 850-page book of homemaking advice with something of the feel of *FANNIE FARMER'S BOSTON COOKING SCHOOL COOKBOOK* from a century earlier, attests to a cultural reawakening to "how important domestic customs are to a sense of comfort and identity in life."¹⁴⁶ The trend continues with other popular books like *A HOUSEHOLDER'S GUIDE TO THE UNIVERSE*, which offers "grass-roots practical advice on how to shop, garden, run a household, preserve and cook food," and "discusses the philosophy of householding."¹⁴⁷

It is not just the end results but the acts of engaging personally in the activities, rituals, crafts, or customs themselves that carry satisfactions that so many people crave—satisfactions that derive from, if you will, the husbandry of it, in the old sense of skilled domestic management, resourcefulness, thrift, and frugality.¹⁴⁸ This is particularly evident in conservative new maternalism and Sarah Palin's invocation of the tradition of pioneer women who "husbanded" limited resources and contributed powerfully to their families' survival.¹⁴⁹ It also explains the run-away success of the *Pioneer Woman*, who teaches her female readers how to make skillet cornbread, update their homes without an architect, educate their children, and appreciate the many uses and the beauty of classic mason jars. As the pun underscores, the non-commodified values of husbandry have not historically been, and need not now be, a women's monopoly. If we are right that new maternalism is fueled in part by a re-embrace of the values of husbandry and non-commodification, that observation helps to show how anomalous it is to focus the movement so exclusively on women.

New maternalism also taps into a yearning for community in this era of "bowling alone."¹⁵⁰ It is not just time with family that Americans increasingly find wanting but connection to neighborhood, congregation, childrens' peer groups and schools, and the like. The proliferation of geo-

146. CHERYL MENDELSON, *HOME COMFORTS: THE ART AND SCIENCE OF KEEPING HOUSE* (1999) (quote taken from front flap of the hardcover edition).

147. HARRIET FASENFEST, *THE HOUSEHOLDER'S GUIDE TO THE UNIVERSE* (2010).

148. By "husbandry" we mean "[t]he administration of resources; careful management." *Husbandry Definition*, OXFORD ENGLISH DICTIONARY 664 (9th ed. 1995).

149. See *CBS Evening News with Katie Couric*, *supra* note 135.

150. ROBERT PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* 18–19 (2000).

graphically localized mothers' listservs, babysitting cooperatives facilitating "sharecare," and perhaps even mothers' cocktail hours bespeak a desire for adult social contact and mutual assistance that has its own rewards. Many of the participants in MomsRising and other new maternalist organizations are motivated by the ability to belong to a community—whether local or virtual—and to act collectively. Granted, those needs for community are, to some extent, themselves caused by the decision to spend more time at home. For many people these days, the workplace is the most important hub of community, and adults who spend significant time at work may feel less need to foster such community through other means.¹⁵¹ But the opportunity to build non-workplace-based community ties—especially ties which, unlike most workplace bonds, encompass children—is a value and motivation for people who choose to prioritize engaged family care.¹⁵²

What new maternalism overlooks is that men, too, are missing husbandry and connection in their lives. Men and women both know the satisfactions of intimate, nurturing relationships with children, and of a host of other productive activities whose value is not signified in dollars nor marked by monetary exchange. Many men feel the need to balance the demands and benefits of paid work and purchased goods and services with the kinds of distinct rewards that flow from direct participation in more homey activities, including engaged caretaking. They are equally able to appreciate the difference between a favor, volunteer effort, or labor of love, and the work one does for pay. Indeed, a large majority of men report that their families are the most important aspect of their lives and believe that fathers are as crucial as mothers in raising children.¹⁵³ It is vital—not only to the lives of others they directly affect but to the health and fulfillment of men themselves—that men have meaningful opportunity and responsibility to nurture children and households, and the communities in which they are embedded.

151. See, e.g., CYNTHIA ESTLUND, *WORKING TOGETHER: HOW WORKPLACE BONDS STRENGTHEN A DIVERSE DEMOCRACY* 21 (2003). Estlund's observations about workplace bonds complement Betty Friedan's diagnosis in *THE FEMININE MYSTIQUE* of "occupation: housewife" as isolating and demoralizing. FRIEDAN, *supra* note 71.

152. See COLTRANE, *supra* note 14, at 137 ("Structuring social relations around their children's athletic, musical, school, or extracurricular activities provided many parents with opportunities for interaction not otherwise available to them. Some reported that they regularly interacted with people from a different social class, religion, race or lifestyle as a result of having children on the same team or in the same school classroom. With few exceptions, parents claimed that this was a positive experience, both for them and their children."); WILLIAMS, *supra* note 20 (describing the importance of connection to family for middle-class men).

153. KATHLEEN GERSON, *NO MAN'S LAND: MEN'S CHANGING COMMITMENTS TO FAMILY AND WORK* 181 (1993).

The fact that a parenting movement has arrived in the ironic, romantic, gendered package of new maternalism bespeaks both craving and ambivalence: women enjoy and take pride in their husbandry, but as they rush to their serious, paying jobs, they also make fun of themselves for baking bread at home, organizing the baby's room efficiently, or hand-making Halloween costumes for their children. That ironic attitude is postindustrial and postfeminist. It contrasts strongly, for example, with the intensity and earnestness about the skills that Laura Ingalls's family brought to, and the dignity they gained from, their husbandry and homesteading in the late nineteenth century, depicted so romantically in the American classic *LITTLE HOUSE* series.¹⁵⁴

The ambivalence, anxiety, and irony about new maternalism's husbandry might be alleviated if men were part of the cultural face of a new parenting movement. A paradox at the heart of new maternalism is that appealing to women's identity as mothers who seek to improve their families' well-being is a powerful, resonant way to rally women, even as feminism—at least its second-wave, classical version—has been seen to denigrate the domestic activities that have historically defined maternalism. Especially in a period when most adults feel the heavy discipline of the labor market and when economic times are tough, non-commodified values of thrift, community, husbandry, and appreciation of the comforts of home and family are on the rise. Yet new maternalists' irony tacitly recognizes the awkwardness of embracing those values for women alone.

Feminism's critique of domesticity is both roundly discarded and palpably present in MomsRising's cultural presentation of the mother. It is the legacy of feminist critique that produces ambivalence and calls forth irony from women who embrace domesticity. Their irony and ambivalence are indirect forms of acknowledgement that they are indulging in what some forms of feminism have so stingingly cast as frivolous or trivial. New maternalism reclaims the values of domesticity but indirectly apologizes at the same time, and fails to address the reality

154. LAURA INGALLS WILDER, *LITTLE HOUSE SERIES* (1932–2006). The recognized value of the skills and qualities of husbandry she depicted is not negated by the interesting fact that the original publication of the *LITTLE HOUSE* series in the 1930s and 1940s represented an earlier moment of nostalgia for nineteenth-century husbandry, while new maternalism similarly captures a revived longing. See Judith Thurman, *Wilder Women: The Mother and Daughter Behind the Little House Stories*, *THE NEW YORKER*, Aug. 10, 2009 (recounting the strategic rewriting and marketing of the *LITTLE HOUSE* books to construct an earnest domesticity that supported both libertarianism and “family” values, with “the father a heroic provider and benign disciplinarian, the mother a pious homemaker and an example of feminine self-sacrifice”).

that the domestic remains marginalized—arguably, in large part, *because* it is done by women.

If new maternalists had the courage of their convictions, they would embrace these important values—values of care, husbandry, and community—as values for men just as much as for women. When aspects of domesticity and care are embraced, not under a maternalist banner but in more gender-neutral ways—as better for children or health or the environment, for example—the ambivalence lessens. When care and domestic work are valued and done by men and women, the apologetic undertone dissipates. The mothering that MomsRising champions could be claimed on behalf of men as well as women; some analysts have done just that, observing that men as well as women can and do “mother.”¹⁵⁵ But MomsRising is distinctly not in that camp. If it managed to use its considerable public relations skill and vibrant organizing network to reach out to men as well as women in the name of the core values of the domestic, it could mark a path to more meaningful change. To do so, however, would require not just gestures and overtures, but speaking and presenting itself in fundamentally different ways.¹⁵⁶

2. Imposing Costs on Women: Reinforcing Workplace Inequalities

By leaving men out of the cultural presentations of parenthood and failing to confront pervasive, gendered assumptions about parenting roles, new maternalism reinforces widespread and substantial economic inequalities. Women’s disproportionate care work perpetuates the cycle

155. MARTHA FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES* 83, 87–88 (1995); Darren Rosenblum, *Unsex Mothering: Toward a New Culture of Parenting*, 35 *HARV. J.L. & GENDER* 201 (2012) (arguing that mothering should be unsexed by de-linking its relationship with biological sex).

156. Arguing that men should be equal and nurturing parents is not to lend credence to antifeminist, backlash movements that have given rise to Fathers’ Rights Groups. Empirical work has shown a phenomenon of such groups that “seek to naturalize and re-center hegemonic masculinity” through custody claims and challenges to child support, even while they show “a complete lack of attention to parenting prior to [the parents’] separation.” Leora N. Rosen, Molly Dragiewicz & Jennifer Gibbs, *Fathers’ Rights Groups: Demographic Correlates and Impact on Custody Policy*, 15 *VIOLENCE AGAINST WOMEN* 513, 515, 518 (2009). Men who seek child custody not because they want to care for their children but to spite or control their ex-wives hardly count as egalitarian parents, notwithstanding their opportunistic hijacking of equal rights rhetoric.

of sex stereotyping and discrimination.¹⁵⁷ If highly disproportionate rates of family obligations and family leave for women persist, this trend will fuel employers' sex stereotypes that women are less committed than men to their jobs and encourage employers to keep discriminating against women in employment.¹⁵⁸ Employers' assumptions that family care is women's obligation has caused discrimination against men as well, because men routinely are denied family leave and other family-friendly work accommodation. That double-edged discrimination perpetuates gendered employment patterns that feed an ongoing cycle of stereotyping and bias. Thus, the actual patterns of maternal and paternal caregiving will need to change if each sex is to be afforded equal opportunity to move ahead at work and to enjoy workplace benefits like family leave that facilitate effective family care.

III. RE-IMAGINING MATERNALISM FOR MEN AND WOMEN

Balancing labor outside and inside the family, meeting the needs of children, and having a fulfilling home life are not just mothers' issues. Extensive data show that working fathers also want a better balance between work and family and that there are substantial benefits for men and their families when they do engage more in family care.¹⁵⁹ Working fathers overwhelmingly want to spend more time with their children.

157. See *Hibbs*, 538 U.S. at 723 (upholding the FMLA and characterizing it as "narrowly targeted at the fault line between work and family—precisely where sex-based overgeneralization has been and remains strongest," and as necessary "to ensure that family-care leave would no longer be stigmatized as an inordinate drain on the workplace caused by female employees, and that employers could not evade leave obligations simply by hiring men.")

158. Scott Coltrane describes how separate spheres ideology creates and sustains employment discrimination against women: When "the ideology of separate spheres defines women's primary job as family work, employers are able to treat female employees differently from male employees. They have not had to consider women as regular, lifetime employees, and have been able to pay them low wages and lay them off when labor demand dropped." COLTRANE, *supra* note 14, at 36.

159. COLTRANE, *supra* note 14, at 205 ("A large number of studies show that men in the United States, and in many other industrialized countries, rank fatherhood as more important than paid work. A majority of fathers say they should be directly involved in their children's lives, even though they do not necessarily follow through by spending significant amounts of time with them or performing more routine chores."); KATHLEEN GERSON, *supra* note 15, at 12 ("Young adults overwhelmingly hope to form a lasting marriage or marriage-like relationship, to create a flexible and egalitarian bond with their intimate partner, and to blend home and work in their own lives."); Malin, *supra* note 4, at 1049 ("most men desire a greater role in child care but are precluded from it by significant workplace barriers").

The great majority of both men and women working over fifty hours per week would prefer shorter schedules. Indeed, eighty percent of men and almost ninety percent of women who worked over fifty hours per week wished for fewer hours.¹⁶⁰ Egalitarian parenting, supported by just the kinds of policies MomsRising advocates, is not only good for women, kids, and society; it is good for men. When married fathers become more engaged with children and household chores, there is evidence that their marriages improve.¹⁶¹ Men who actively parent also have better relationships with their children, and the children internalize a more just and sustaining model of parenting.¹⁶² Egalitarian parenting would also validate the care work of gay men and men who parent in the absence of women. Leading work sociologists Jerry Jacobs and Kathleen Gerson remark in their recent major study of time pressures in households that “time squeezes are not simply a ‘working mother’s’ problem, although the popular debate is often framed that way.”¹⁶³

The injustice of women’s unequal “second shift” is sustained in part by claiming work-family conflict and children’s issues as women’s special domain.¹⁶⁴ The injustice of the unquestioned assignment of uncompensated primary family-care responsibility to mothers is bad for women, for the larger society, and for children.¹⁶⁵ The maternal second shift reflects a lack of due regard for women that is too often internalized by women as “an increased willingness to be treated as a subordinate.”¹⁶⁶ It

160. KATHLEEN GERSON, *supra* note 153, at 65–66. The reality is nuanced by social class much more than by sex, with workers having distinct complaints in lower versus higher earning jobs. Only in lower tier jobs, where workers of both sexes often do not have enough work hours to sustain their families economically, do workers prefer to work more hours. Higher earners of both sexes tend to want to work fewer hours and to have more time for family. *Id.*

161. See PEW SOC. & DEMOGRAPHIC TRENDS, *Modern Marriage* (July 18, 2007), <http://www.pewsocialtrends.org/2007/07/18/modern-marriage>.

162. See COLTRANE, *supra* note 14, at 7, 71, 78, 117, 199–200.

163. JERRY A. JACOBS & KATHLEEN GERSON, *THE TIME DIVIDE: WORK, FAMILY AND GENDER INEQUALITY* 85 (2004).

164. A TIME magazine story claiming that the second shift has all but disappeared bases that conclusion on evidence that women’s greater care work at home is offset by men’s longer hours at work, so the sexes’ total work time as a sum of paid and unpaid work is converging. Ruth Davis Konigsburg, *The Chore Wars*, TIME, Aug. 8, 2011, <http://www.time.com/time/magazine/article/0,9171,2084582,00.html>. The problems associated with the second shift as we are using the term do not, however, derive only from differences in sum total time-on-task, but come from the effect of unequal care work in particular, which depresses women’s earnings and subjects women to employment discrimination and men to discrimination in benefits and opportunities that could facilitate their fuller participation in family care.

165. WEST, *supra* note 130, at 179–88; see also OKIN, *supra* note 4, at 138–39.

166. WEST, *supra* note 130, at 182.

also undercuts the status of paid caregivers: “[I]f women who are wives do it for free, it’s hard to see why women who are not wives should be paid much to do it, and even easier to see why they cannot command higher wages on an open market when they try to.”¹⁶⁷ It is bad for children who depend on their caregivers and thus will tend to accept the unjust second shift as “both natural and good,” and fail to recognize the injustice of an arrangement “that seems to be, after all, the precondition of the very nurturance and affection that we all need to survive.”¹⁶⁸

New maternalism’s principal response to the injustice of the maternal second shift is to argue that social policy should mitigate it by helping mothers to balance work and family. More and better public support for extended school day programs, paid family leave, early childhood education and care, and the like would alleviate the second shift. Advocacy for such policies is a central, critically important, and laudable goal of MomsRising. It is also inadequate.

A crucial and missing response to the second shift’s injustice is the argument that men and women must share the work. New maternalism seems uniquely incapable of this response because it implicitly supports mothers’ monopoly on engaged parenting and because of its postfeminist refusal to make demands on men. But without more egalitarian parenting, the policy reforms of MomsRising will only go so far. Groups like MomsRising should stand, not only for better social support for mothering, but also on behalf of women *and* men on the side of more egalitarian caretaking.

Many of the reforms MomsRising seeks would be more effective for women if men were included in their vision. For example, one obstacle that deters men—and women—from finding more flexible jobs is the widespread understanding that such jobs often entail a “mommy track” that penalizes those who hold them with lower compensation and quality of work and diminished chances for career advancement. Cultural pressures of just the kind that MomsRising builds help to depreciate the mommy track and reserve it largely for women. When flexible, family-friendly work that does not sacrifice opportunity and economic welfare is available as a norm for all parents and caregivers of both sexes, men will be more inclined to take advantage of it, and perhaps then women will be less ghettoized when they do.

167. WEST, *supra* note 130, at 183.

168. WEST, *supra* note 130, at 183. See COLTRANE, *supra* note 14, at 200 (“When fathers share in routine parenting, children thrive intellectually and emotionally, and they grow up with less rigid gender stereotypes.”).

A. The Problems and Paradoxes of New Maternalism

The time is ripe to include women *and* men in political mobilization for family-friendly public policy. It is in women and men's joint interest to position parents and others, not just mothers, as the constituency for policies that facilitate work-family balance. But like other forms of identity politics, new maternalism tends to work against inclusiveness and solidarity with other groups—in this case, men. Maternalist identity politics thereby works against egalitarian caretaking, a necessary (though clearly not sufficient) component of the very change new maternalism seeks.

In many ways, this is a peculiar moment for the advent of a new maternalism. If ever there were a time and a place for a movement for more egalitarian parenting, the United States at the turn of the twenty-first century would seem to be it. In light of the increasing diversity of ways to organize family and work, the acceptance of sex equality as a pervasive social and legal norm, and the reality that most mothers (even of very young children) are in the paid workforce, new maternalism has been curiously reluctant to embrace a fuller role for men in the day-to-day activities of parenting and care work.

The ways Americans organize our families are more varied and open to choice than ever before. The explosion of diversity of family roles and forms has opened the way for more men to take more involved roles with home and family. It is striking, then, that new maternalists do so little to seize this opportunity to rethink the cultural gender orthodoxy of mothering.

The classic "gendered family"—a straight, married couple with a breadwinner father and homemaker mother of approximately two biological children—no longer holds a dominant cultural position. That gendered configuration describes fewer than one in five American families.¹⁶⁹ New technologies and legal arrangements help countless people become parents in nontraditional contexts. Adoption is also more above-board and accepted. Lesbian and gay couples are not only out of the closet but routinely have children and are gaining legal and social recognition of their parental rights and capabilities. Millions of American women have and raise children on their own without suffering the ostracism faced by single mothers and their nonmarital children only a generation ago. Divorce lacks its former stigma, and creative custody

169. BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, *Employment Characteristics of Families Summary* Table 2 (March 24, 2011), <http://www.bls.gov/news.release/famec.nr0.htm>.

arrangements can help divorced parents to continue to nurture their children effectively. Increasingly frequent and open engagement in parenting by husbands and male partners of working women, and by gay men and single and divorced fathers, has made engaged male parenting more visible and plausible.

In addition, the unprecedented erosion more generally of legally and culturally enforced gender roles has significantly increased the opportunity for an egalitarian caretaking movement. The results of major sex equality advances of the 1970s and 1980s are more fully apparent now, a couple of generations down the road; American women are as well educated as men, and women and men participate in the paid labor force at almost the same rates.¹⁷⁰ It has come to seem antiquated to assume that a woman's schooling or work must end when she becomes a mother.

Recently, the successes of the women's movement, the demands of the global labor market, and the growing rates of children born to single parents have widened the gulf between that gendered-family ideology and the realities of dual-earner or single-parent families in which all adults in the household work outside the home.¹⁷¹ Most mothers in the United States, even of very young children, are in the paid workforce, most of them full time.¹⁷² In fact, the traditional image of the gendered family has never fully described American family life, given that most adults in less affluent families, mothers included, have long needed to work for pay. Almost a third of United States households with minor children are today headed by single parents (usually women), who face even greater challenges in reconciling work and family.¹⁷³ The at-home

170. GAIL COLLINS, *WHEN EVERYTHING CHANGED* (2009).

171. See generally, ELIZABETH WARREN & AMELIA WARREN TYAGI, *THE TWO INCOME TRAP: WHY MIDDLE CLASS MOTHERS AND FATHERS ARE GOING BROKE* (2004); JACOBS & GERSON, *supra* note 163. The perceived shift from separate spheres to working parents describes a dominant cultural paradigm that ignores the realities of many families, and, in particular, carries a deep class bias because, even during periods that historians associate with a gendered cult of domesticity, or separate-spheres ideology, poor families could not afford to maintain a full-time homemaker parent. See, e.g., GLENNA MATTHEWS, "JUST A HOUSEWIFE": THE RISE AND FALL OF DOMESTICITY IN AMERICA (1989).

172. In 2000, sixty-one percent of women with children under the age of three held a paid job; as of 2006, seventy-one percent of mothers with children under eighteen were employed. GERSON, *supra* note 153, at 4–5.

173. Almost 30 percent of US families with minor children were headed by a single parent in 2010; 24.3 percent were mother-headed, and 4.8 percent were father-headed. See Mark Mather, *U.S. Children in Single-Mother Families*, Table 1, PRB (May 2010), <http://www.prb.org/pdf10/single-motherfamilies.pdf>; Catherine Rampell, *Single Par-*

mother has become a luxury of the upper classes,¹⁷⁴ while in most families, all parents work in the paid labor force.

Those three major social forces—the diversification of family forms, the strength of sex equality norms, and economic pressures pushing all able adults into the paid labor force—would seem to be a recipe for more egalitarian parenting roles. Loosened social strictures on family organization create space for the equality norms of institutional and public life to flow into the home. A fair allocation of work within the heterosexual family is an important flip side of gender nondiscrimination in market work.¹⁷⁵ When most women are bringing home paychecks, there is a stronger claim for men to share the work at home.¹⁷⁶ With family life malleable as never before, sex equality an established norm, and women actively branching out into traditionally male breadwinner roles, the time is ripe for men to step into the family-care breach.

Thus, the choice to frame a political movement around mothers and motherhood is a retreat from the possibility of gender equality in care work precisely when it seems most attainable. The new maternalist cultural packaging risks entrenching gender roles in the home and the idea of home around gender. Maternalist culture celebrates the core values of care for dependents, husbandry, and community at the heart of human thriving, but only for women, thereby further reinforcing the gendering of domestic work and its worth.

The next stage in gender equality requires that all available and able parents make a greater commitment to parenting. Available parents

ents, Around the World, *ECONOMIX*, N.Y. TIMES (Mar. 10, 2010, 2:43 PM) <http://economix.blogs.nytimes.com/2010/03/10/single-parents-around-the-world/>.

174. See generally, *The Mommy War Machine*, WASH. POST, Apr. 29, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/04/27/AR2007042702043.html> (“When they can afford it, married women with infants take maternity leaves of a year or so, but then head steadily back to work: 75 percent of mothers with school-age children are on the job. Most work because they have to. And most of their stay-at-home peers don’t hold it against them.”).

175. *Hibbs*, 538 U.S. at 731, n.5 (noting that whether mothers are—and are perceived to be—as available for work as fathers is critical to women’s equal opportunity in employment).

176. One Australian study suggests that to a limited extent this may be true. The co-author of a report on the Longitudinal Study of Australian Children concluded that “[w]hen mothers work full time, they spend 83 minutes less per day with their child compared to a stay-at-home mother, but the child spends an average of 81 minutes more a day with their father.” Lisa Belkin, *Working Moms and Cuddle Time*, N.Y. TIMES MOTHERLODE: ADVENTURES IN PARENTING BLOG (July 10, 2009, 1:01 PM), <http://parenting.blogs.nytimes.com/2009/07/10/counting-cuddles/> (quoting Jennifer Baxter, Australian demographer who co-authored the study).

might or might not be married to each other, they might be biologically related, adoptive, stepparents, extended family members or simply friends who have committed themselves to helping raise a child. We focus on straight fathers because traditionally available and able straight fathers have been less engaged in caretaking and have been more likely to disengage from parenting work entirely. We also seek to acknowledge and harness a cultural shift in which more men want to be engaged parents. For those who do not want caretaking responsibilities, we argue that they should not be let off the hook: prompting men to do more of the parenting requires cultural change that opens the way for men to take on unfamiliar roles while it also resists the highly gendered glorification of maternalism. We believe that greater male domesticity will improve women's economic, political, and emotional lives; expand choices for men and women; provide and model a greater variety of affective relationships within families; and diminish sex discrimination more generally in ways that will help even those women who parent alone.

This is not to suggest that more care work by men will in itself solve the many social and structural problems that reinforce gender inequalities at home and at work, nor is it meant to romanticize the nuclear family by emphasizing the role of fathers. The fact remains that, when given the chance, most men have been slow to take up an equal share of parenting work. And even when all parents are engaged with caring for children, a productive and stable society still needs quality daycare and after-school programs, flexible work, and affordable health insurance. The state, the market, and the family all reinforce maternalist ideology, and it will take reforms in all those arenas to allow families to function better and with greater internal equality. But a critically important task, overlooked by new maternalism, is to undo the distinct and largely non-overlapping cults of motherhood and fatherhood in order to open up a multiplicity of new cultural understandings of how to parent and work.

*B. The Man of the House: The Potential of Masculine Domesticity
and Egalitarian Parenting*

New maternalism identifies and grabs onto a pro-feminine and pro-motherhood cultural turn but fails to tune its message to some of the most promising strains in today's gender culture. One thing that new maternalism seems to miss is a younger generation of parents' critical stance toward identity politics and its willingness to splinter gender roles into a multiplicity of new variations.

A signature move of this generation is to play with and invert signifiers of power and oppression as well as gender or racial identity. This is the era of “metrosexual” men who are “not afraid to show their feminine side.”¹⁷⁷ Seventy-four percent of men are comfortable with a primary self-identification as “caring.”¹⁷⁸ The loosely-defined third wave tends to see group-based identity politics as reductionist and restricting. Even young women who strongly believe in the goals of feminism tend to resist the feminist label as inconsistent with their individuality and self-creation. To the extent that their turn away from identity politics ushers in greater cultural fluidity about the meaning of sex and gender, it holds promise at the work-family fault line where MomsRising seeks change. It also suggests, however, that a strategy rooted in a gender-based identity politics of motherhood might fail to pick up on the most vital political energy of the coming generation of parents.

A new generation’s attitudes of gender-role experimentalism and fluidity could help shake up the stereotypes that cause discrimination against women in work and men in parenting. They could also help policies that support work-family balance to emerge from the political ghetto of “women’s issues.” An organization with as much cultural and political ambition as MomsRising could make a much bigger difference if it were less intent on embracing a new, scrubbed, top-down maternalist orthodoxy in order to avoid older feminist ones, and instead sought to shake up familiar gender roles in the family by promoting male domesticity and egalitarian parenting.

Male parental engagement is happening more often now than new maternalism acknowledges. There has been significant, if insufficient, change in terms of men participating in housework and family care; that should be built upon, not ignored. Greater engagement by men in family caregiving would mean a loosening of gender orthodoxies, relieving women of their disproportionate second shift and more fairly sharing between the sexes the direct personal involvement in family that many people consider to be the most rewarding activities in their lives. Data collected by the leading sociologist of fatherhood, Scott Coltrane, shows that American men and women are slowly moving in the direction of sharing housework and family roles more equally, with men taking on “more of the mundane domestic tasks of cooking, cleaning and child tending.”¹⁷⁹ Coltrane predicts that “in the coming decades more fathers

177. ROWE-FINKBEINER, *supra* note 128, at 96.

178. ROWE-FINKBEINER, *supra* note 128, at 104.

179. COLTRANE, *supra* note 14, at 200. *See also* JEREMY ADAM SMITH, *THE DADDY SHIFT: HOW STAY-AT-HOME DADS, BREADWINNING MOMS, AND SHARED PARENTING ARE TRANSFORMING THE AMERICAN FAMILY* (2010) (documenting a gradual shift in how

will choose to become family men by assuming at least a portion of the everyday tasks of nurturing children and running households.”¹⁸⁰

Even when they do not openly seek it, engaged parenting and care work is something many men desire.¹⁸¹ New maternalism not only fails to speak for those men, but it erodes their chances to participate in family life in ways they believe are important, fulfilling, and that make the lives of women easier both inside and outside the home. Other fathers want well-cared-for children but do not want to do more of the quotidian parental drudgery children require. New maternalism gives them a free pass. New maternalism appears profoundly uninterested in exposing those fathers’ role in exploiting and perpetuating core structures of sex inequality that impoverish and disempower women and imprison the family in outdated configurations.

1. Sources and Forms of Private Resistance to Masculine Domesticity

Although some men already are stepping up and participating actively in the day-to-day chores of parenting and housework, there is still considerable cultural and material resistance to direct caregiving and domestic work by men. Some of the reasons are straightforward; others are more complicated or counterintuitive. Both men and women take part, sometimes in distinct ways, in the resistance.

One source of resistance to masculine domesticity is simply backlash against the rapid pace of change in gender roles and its accompanying stresses, which have intensified over the past several decades. Despite the obvious benefits of enhanced choices generated by rapid and deep changes in gender roles, those changes have also stirred up anxiety and nostalgia for an imagined “simpler time.” An embrace of tradition—real or imagined—is a common response to periods of dramatic social change. The significant movement toward egalitarian care work has generated counterreaction and nostalgia.¹⁸² Viewed that way, the backlash is a sign not of failure but of success—even as it remains a source of real resistance to egalitarian parenting.

we define fatherhood in the United States, from pure breadwinning to encompassing capacities for both breadwinning and caregiving).

180. COLTRANE, *supra* note 14 at 24.

181. Michael Selmi, *Family Leave and the Gender Wage Gap*, 78 N.C. L. REV. 707, 711 n.12 (2000) (citing polls).

182. See generally SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* (1991).

Another source of resistance to masculine domesticity is economic. Fathers typically have greater earning power than mothers. The well-known and stubborn reality is that, on average, men make more per hour than women do, even in the same jobs.¹⁸³ Moreover, women often partner with men who are older and thus typically a step further along in their careers, with the associated greater job security, income, and benefits. Acculturation and sex discrimination also steer women into lower-paying jobs. Given these factors, family income takes a hit when men trade hours at work to take on responsibilities at home. For the family as a whole, it is typically cheaper for women than for men to forgo some market work to do more uncompensated care work at home. An egalitarian approach to family care and work would be best facilitated by jobs for both parents with adequate compensation, hours, and flexibility to accommodate family care. Such jobs, however, are not as plentiful or remunerative (even on a per-hour basis) as super-full-time or less flexible jobs.¹⁸⁴ Thus, even if a couple wants to share child care equally, they are usually economically better off with one employed parent in a job that requires long work hours away from home (which assumes the worker does not also have significant family care responsibilities), and a second parent in a much less demanding (mommy track) job. In sum, the way in which jobs in the United States historically have been and largely continue to be structured encourages families to fall into a gendered, neo-traditional division of labor, with women taking the lead in caring for dependents and men doing a larger share of the breadwinning.¹⁸⁵

183. ARIANE HEGEWISCH & CLAUDIA WILLIAMS, INST. FOR WOMEN'S POL'Y RES., FACT SHEET NO. C350, THE GENDER WAGE GAP 2010 (2011), *available at* http://www.iwpr.org/publications/pubs/the-gender-wage-gap-2010/at_download/file (reporting that in 2010, women's median weekly earnings were only 81.2 per cent of men's). This figure also masks the fact that when women have children they make still less relative to men. One 2006 study found that when women first enter the workforce they make 87 cents to a man's dollar, but by the time they are in their early 40s they earn only 71 cents for every dollar a man earns. Sarah Glazer, *Future of Feminism* 16 CQ RESEARCHER 31, 317 (2006), *available at* <http://www.kamywicoff.com/newsevents/wp-content/uploads/2006/05/CQR.Feminism.pdf>.

184. "Work/family activists have tried for twenty years to persuade companies to offer part-time tracks and other flexible policies by showing the productivity and other benefits to be gained by doing so. The success of these efforts has been quite limited. Their primary result is a pyrrhic victory: a set of mommy-track policies that offer flexibility at the price of work success." WILLIAMS, *supra* note 4, at 5; Ann Bookman, *Flexibility at What Price? The Cost of Part-time Work for Women Workers*, 52 WASH & LEE L. REV. 799 (1995).

185. WILLIAMS, *supra* note 4.

Sociobiology, together with the liberal-libertarian emphasis on personal choice, is also a common thread in the arguments against greater male care work. To observers who believe that innate sex differences lead women to prefer and excel at family care and lead men to seek power, autonomy, and market success, the gender stratification of family care versus market work is predictable and unobjectionable.¹⁸⁶ To anyone who thinks that women naturally tend to like babies and men tend to like competitive pursuits, it would not be a surprise that women disproportionately shoulder the second shift of family care, and men are overrepresented among Fortune 500 executives. The wildly gender-skewed patterns of work and compensation should not lead us to suspect hidden or structural bias, the sociobiologists contend, but are simply the morally and legally benign result of myriad personal choices. The sociobiological view accepts employment discrimination against individual women as rational (and so perhaps not justifiably unlawful) based on the empirically supported general prediction that, when they become parents, women on average have greater family responsibilities and therefore less time and commitment to work than do similarly situated men.

Similarly, sociobiologically influenced efficiency critiques of egalitarian parenting argue that public policies designed to counter people's natural impulses in the name of equality or fairness are inefficient.¹⁸⁷ These critics contend that gender equality in care work sacrifices basic savings from the specialization and division of labor.¹⁸⁸ If men and women specialize less so that each does both market and care work, the likelihood is that both forms of work are accomplished with less skill and more inefficiencies due to less specialization, more frequent transitions, more commuting, and the like.

A related form of resistance to male care work rests on the cultural reality that people's sense of identity and psychological well-being re-

186. See GARY BECKER, A TREATISE ON THE FAMILY (1981); Richard Epstein, *Gender is for Nouns*, 41 DEPAUL L. REV. 981 (1992). See generally LOUANN BRIZENDINE, THE MALE BRAIN (2010) and THE FEMALE BRAIN (2006); MICHAEL GURIAN & BARBARA ANNIS, LEADERSHIP AND THE SEXES: USING GENDER SCIENCE TO CREATE SUCCESS IN BUSINESS (2008); LEONARD SAX, WHY GENDER MATTERS: WHAT PARENTS AND TEACHERS NEED TO KNOW ABOUT THE EMERGING SCIENCE OF SEX DIFFERENCES (2005).

187. See BECKER, *supra* note 186; cf. Philomila Tsoukala, *Gary Becker, Legal Feminism, and the Costs of Moralizing Care*, 16 COLUM. J. GENDER & L. 357 (2007) (analyzing feminist reactions to Becker's work).

188. Becker argues that biological sex differences create gendered comparative advantages in household and market work, making polarized sex roles more efficient. BECKER, *supra* note 186, at 32–37. See generally RICHARD A. POSNER, ECONOMIC ANALYSIS OF LAW 157 (5th ed. 1998).

mains very bound up with sex-correlated roles.¹⁸⁹ In this view, gender differences are a real fact of life today, even if the sources of difference are neither biological nor immutable. If we are raised to think, for example, that mothers nurture and fathers discipline, that mothers have greater family care responsibilities while fathers work and earn more, then we likely will feel more comfortable following those roles, and we will experience cognitive dissonance when we stray from them.¹⁹⁰

Whether proclivities for domestic work are innate or culturally contingent, however, the reality is that women's and men's similarities far outweigh their differences and that the differences within each sex (among men and among women) are far greater than the average differences between the two. The ideology of sex differences, however, plays a formative role at both the social and neurological levels. Males learn to conform to social norms that historically have not expected them to take an equal or leading role in family care, and women absorb feminine norms of avoiding intense competition in the workplace and eschewing "masculine" jobs even though they pay better and offer greater autonomy. In light of generations of widespread and government-sanctioned sex discrimination and segregation at school and work, and laws that presumed a large family care role for women and not for men, the phenomenon of adaptive preferences calls into doubt arguments based on individual choice. Moreover, recent research on neurological plasticity shows that sex-based differences in expectations and treatment of boys and girls in early life enhances and solidifies sex differences that might not otherwise exist.¹⁹¹ If children were raised by parents who equally shared family care and market work and routinely saw other families in which both men and women shared the burdens of the second shift, they would be more likely to grow up subject to expectations that they will be nurturing, engaged parents equally responsible for the second shift. Our argument in favor of masculine domesticity is premised on

189. There is a biological argument for sex-correlated roles. See BECKER, *supra* note 186, at 38–39. However, we are more concerned with cultural gender differentiation.

190. This would also suggest a strong argument in favor of egalitarian parenting in the sense that it models a greater diversity of gender roles in which future men and women can be cognitively comfortable.

191. LISE ELIOT, *PINK BRAIN, BLUE BRAIN: HOW SMALL DIFFERENCES GROW INTO TROUBLESOME GAPS—AND WHAT WE CAN DO ABOUT IT* 302–03 (2009) ("The truth . . . is that sex differences are not nearly as large or as fixed as this new wave of essentialism projects. The truly innate differences—in verbal ability, activity level, inhibition, aggression, and, perhaps, social perception—are small, mere biases that shape children's behavior but are not themselves deterministic. What matters far more is how children spend their time, how they see themselves, and what all these experiences and interactions do to their nascent neural circuits.").

the assumption that women are not in any innate or immutable way necessarily better at or happier doing family care than are men.

2. Resistance by Women

Additional resistance to making greater male care work a goal of political action and cultural change comes from women, many of whom admittedly are disillusioned with past efforts to achieve equality at home and who indulge in gatekeeping to preserve their preeminence in a cherished domain. To some extent, women have already tried in recent decades to get men to share the housework. Second-wave feminists made egalitarian parenting a goal, but for a range of reasons—structural, economic, cultural, psychological, and personal—men have not converted *en masse*. Many women have had the experience of repeatedly nudging, prodding, and nagging men to do more laundry, cooking, cleaning, and planning for and participation in children's care. Even a man who is inclined to do more may not measure progress the same way a woman would. A man's benchmark is often how much more he does around the house than his own father did, whereas a working mother will notice how much more of the housework she still does than her partner. Those differing perceptions of what counts as progress can lead to conflict and frustration. Nobody wants a parenting relationship to be dominated by griping; after a point, a mother may find it easier to direct complaints outward—e.g. by joining MomsRising to seek public policy change for her own work-family reconciliation—than to keep trying to equalize second-shift tasks at home.

Some women also resist masculine domesticity because they do not want men to infiltrate an area of their lives that they value and in which they have clear authority.¹⁹² Maternalism, with its tacit female monopoly on family care, claims an arena of expertise and authority that many women are comfortable with and feel they deserve. There is, after all, no question that, when it comes to family care, women as a group have done far more and justly feel entitled to recognition of that reality. It is by setting mothers apart, not only from non-parents but also from fathers, that new maternalism gets a hold on the powerful lever of identity politics: the celebration of the distinct experiences and perspectives of a subordinate group as a source of hitherto unrecognized power. There is no question that women have been subjected to discrimination as well

192. See Naomi Cahn, *The Power of Caretaking*, 12 YALE J.L. & FEMINISM 177, 180 (2000) ("Since women have been denied other sources of power, the household has been the primary source of women's power, and, to some extent, continues to be.").

as social, economic, and political disempowerment in the “public” worlds of politics and the market because of their sex and actual or potential maternal status. In response, new maternalism engages in a kind of strategic essentialism designed to claim power based on women’s disproportionate role in the “private” sphere. In bringing women together to champion their interests, such strategic essentialism does not comfortably coexist with a de-gendered understanding of parenting that would recognize men as potentially equal partners in the care of home and family. Egalitarian parenting threatens the distinctive authority that maternalism attributes to mothers *qua* mothers—an authority that many women are not eager to relinquish.

A related form of women’s resistance to male care work is the tendency of many women to “gatekeep” domestic tasks that they are not confident men will complete to their satisfaction.¹⁹³ A new mother who learns to comfort an infant through nursing, for example, may grow impatient with her husband’s different or less practiced hand at comforting. She may have particular routines or standards for how the child should be bathed, dressed, fed, and cared for that she knows or fears the father will not adhere to, thus leading her to monitor closely and (perhaps unwittingly) discourage his offers or efforts to participate. A mother’s investment in her own ways of doing things and impatience with her partner’s (or other adult’s) distinct approach may be intensified when she faces a maternity-induced hiatus at work or in other areas of activity important to her sense of self and of accomplishment. A feeling of unique maternal authority can help new mothers to compensate in the face of such changes.

Men’s early engagement in care for children, however, is a strong indicator of their level of involvement going forward.¹⁹⁴ A father who develops his own parenting style and confidence is more likely to share the second shift in a more equal way. Mothers’ gatekeeping or other assertions of parenting primacy, rooted in early childhood care patterns and psychic adjustments, can have long-term deleterious effects on the prospects for equitable sharing of family-care responsibilities and can

193. *Id.* at 206 (citing Sarah M. Allen & Alan J. Hawkins, *Maternal Gatekeeping: Mothers’ Beliefs and Behaviors that Inhibit Greater Father Involvement in Family Work*, 61 J. MARRIAGE & FAM. 199, 200 (1999)).

194. Malin, *supra* note 4, at 1058 (discussing a study finding that fathers who took parental leave were significantly more likely to continue over time to share in core care responsibilities, including “preparing food, shopping, doing laundry, diapering, bathing, getting up at night, reading, comforting, and taking the child to the doctor”).

thus be counterproductive to women over the longer term when they seek fairer work-life balance.

Lastly, some resistance by women to masculine domesticity is rooted in concerns that men cannot be trusted as caretakers because they are more likely to neglect children or abuse them emotionally, physically, or sexually. There may be a self-fulfilling dynamic at play here: if women and men widely share presumptions of maternal primacy, fathers may be more likely to pass the parenting buck and fail to develop equal vigilance against lapses in care. That dynamic is hard to verify. Given secrecy, denial, stigma, and potential legal implications, it is notoriously difficult to gain an accurate picture of the extent and nature of child abuse, including data on the incidence of child abuse by men versus women. That said, the federal statistics considered most authoritative on this issue show that women abuse children slightly more often than do men.¹⁹⁵ In view of women's much greater role in caring for children, however, some commentators argue that per child-contact-hour, the incidence of child abuse by men is disproportionately large.¹⁹⁶ However one understands the relative gender statistics, the real and serious problem of child abuse and neglect is statistically relevant to only a tiny minority of cases: ninety-seven to ninety-nine percent of parents, male or female, do not abuse or neglect their children.¹⁹⁷ Concerns about such risks should not be over-generalized as a reason to sustain the gendered family as the dominant social norm.¹⁹⁸

195. ADMIN. FOR CHILDREN & FAMILIES, U.S. DEP'T OF HEALTH & HUMAN SERVS. *Child Maltreatment 2008* 65 (2010), <http://www.acf.hhs.gov/programs/cb/pubs/cm08/cm08.pdf> (reporting for 2008 that "56.2 percent of the perpetrators [of child maltreatment] were women, 42.6 percent were men and 1.1 percent were of unknown sex").

196. See, e.g., *Statistics: Male Versus Female: Who Is More Likely To Perpetrate Child Abuse*, THE LIZ LIBRARY, <http://www.thelizlibrary.org/liz/statistics.html> (last visited Dec. 3, 2011).

197. Ninety-seven percent of fathers and ninety-nine percent of mothers do not abuse their children. CHILD WELFARE INFO. GATEWAY, U.S. DEP'T OF HEALTH & HUMAN SERVS., *Child Abuse & Neglect Fatalities 2009: Statistics and Intervention* (2011), <http://www.childwelfare.gov/pubs/factsheets/fatality.pdf>.

198. That is especially true in light of the research clearly identifying risk factors that are and should be the target of anti-child-abuse policies. See, e.g., CHILD WELFARE INFO. GATEWAY, U.S. DEP'T OF HEALTH & HUMAN SERVS., *Parent or Caregiver Factors*, <http://www.childwelfare.gov/can/factors/parentcaregiver/> (last visited Dec. 3, 2011).

3. Resistance By Men

Men's resistance to greater male care work is both easier and harder to explain than women's. It is easy to account for male resistance to domesticity in familiar, feminist terms: if men's ability to perform in the labor market in the most well-rewarded roles depends on women doing the uncompensated domestic work, what incentive do men have to give up such a boon? Fathers traditionally get a sweet deal when they have children, equally sharing parental pride and enjoying their children's company when they have free time while avoiding much of the "dirty work" of raising them. Instead, the traditional breadwinner father is privileged to leave that work in the trusted hands of the very woman he personally selected for that job: the wife and mother.

An additional, obvious ground for men's resistance is the way that domesticity and nurturance are so closely bound up with the very idea of what is feminine, and thus decidedly non-masculine.¹⁹⁹ It is imaginatively much harder to square accepted notions of masculinity with nurturing and care when those very qualities have traditionally been used to define femininity. Whereas a maternal, tender woman may seem like an appealing partner, age-old social and cultural associations link manliness with toughness and strength. Men who act "like mothers" fear being seen as unappealingly soft and effeminate. Those concerns are exacerbated by the additional association of gayness with femininity and by many heterosexual men's intense anxieties about being perceived as gay.²⁰⁰

Men may also resist greater domestic work even when they are otherwise inclined to it simply because it is a lonelier role for them than it is for women. The expectations that women and not men do most family care creates a self-reinforcing cycle due to the lack of social approval for men of a kind more often available to women who devote time and energy to home and family. Women routinely bond with one another over their efforts to be good mothers, support their children's development, and provide a nurturing home. Those roles are a socially

199. As Joan Williams puts it, one of two major reasons "the gender revolution has stalled [is] because, while women's lives have changed a lot since the 1970s, men and masculinity have changed relatively little." WILLIAMS, *supra* note 20, at 217.

200. Mary Anne Case, *Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence*, 105 YALE L.J. 1 (1995); cf. HALLEY, *supra* note 144, at 295–303 (exploring the variety of masculine/feminine and gay/not gay performances and anxieties that are evident in the Supreme Court male-on-male sex harassment opinion in *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75 (1998)).

approved part of most women's identity. Mothers and children socializing together is a familiar phenomenon. For a new mother, being in touch with other mothers whose children are of similar age can be an antidote to isolation and intellectual stagnation and a source of information and support. But there is no similar mainstream cultural current of fathers' playgroups, blogs, or ready-made sense of social connection. Men's parenting does not yet typically include as much social bonding as women's, nor does it seamlessly contribute to a rewarded sense of masculine identity. A man who takes his baby or toddler to the local playground on a weekday is likely to stand out in a cluster of mothers and (usually exclusively female) babysitters or daycare teachers. There are, of course, a large and growing number of parenting-based social situations where fathers are included, but thanks in part to new maternalism, the world of "mommy and me" is still strongly gendered. It is a woman's domain. For men who prioritize child and family care, it can be a lonely role without all those social networks to tap into and affirming cultural scripts to follow. For women, in contrast, the lonely path—at least according to the dominant cultural messages reinforced by new maternalism—is that of the woman who is child-free or who otherwise lacks a primary sense of identity as a mother.

Gendered family roles have received a new boost from the reaction against second-wave feminism and the re-embrace of homemaker as an acceptable vocation for wealthy women who can afford it—and a coveted one in poorer families that cannot.²⁰¹ To many, feminism in the 1970s and 1980s seemed to denigrate family care as an oppressive trap for women and created expectations that any self-respecting, "liberated" woman would get a paying job. That view triggered a reaction that validly insists on domesticity's dignity and worth. Just as Americans had started to get used to assuming that mothers and fathers both had paying jobs, the cultural winds shifted. Motherhood is once again a relatively socially acceptable reason for a woman to forego work or segue from a work-centered identity to a home-centered one. Asking a woman of mothering age what she "does" has again become fraught, because it risks implying that, to be taken seriously as an interesting person, a mother must do something beyond family care.

Yet even as it is socially unacceptable to assume that mothers should work outside the home, no similar hesitation applies vis-à-vis fathers. Fathers are still expected to be primary breadwinners in the prevalent neo-traditional, gendered family model. Hence, culturally

201. WILLIAMS, *supra* note 20, at 184 (noting that many working class men equate a high quality of family life with "being able to keep the wife at home").

speaking, women have a relatively wide range of accepted work-life choices, from full-time homemaker to more-than-full-time market worker and many combinations in between. (Those choices are, of course, partly illusory in view of economic need, the paucity of worthy part-time work, and discrimination excluding mothers from the most powerful and demanding jobs.) If a parent—drawn to family care or repelled by market work, or both to some extent—wants to put more energy into family care, the degree of cultural support and even pressure the parent will feel in devoting more time to family care will differ radically depending on whether the parent is male or female. Yet it remains unremarked and unlamented that new fathers lack social and cultural support to reorient their time and priorities toward family care and away from market work. If we are serious about domesticity's dignity, it should be a pursuit, a value, and a priority worthy of men and women alike.

CONCLUSION

We are in a cultural and political moment that privileges motherhood and acknowledges the influence and perspective of mothers *as* mothers. This new maternalism is evident across the political spectrum and all over the Internet, from Mama Grizzlies to MomsRising to radical left-wing mothers. Apart from the ambiguously feminist maternalism of Sarah Palin and those like her, new maternalists generally have steered clear of feminism and the accusatory anger they associate with it. In particular, new maternalism is loath to make demands on men, refusing to critique the culture and politics of the gendered division of parenting and care work. Instead, it has resurrected a paradigmatic mother who replays many of the maternal stereotypes that have reinforced women's second shift and the countless inequalities that flow from it. What new maternalists fail to acknowledge is the need to involve men in order to get where women—and some men—want to go.

New maternalism embraces motherhood as special and distinct from fatherhood and other forms of non-parental caretaking. In so many instances, new maternalism simply portrays under a maternalist banner the difficulties and rewards of caregiving; in other cases it makes mothers' distinct and unequal burdens a ground to advocate for policy change. In virtually all cases, new maternalism refuses to interrogate the gendering of housework and family care and its location in the private home. It depicts a modern motherhood in which gender conflict is firmly suppressed. An irony of new maternalism, then, is that it powerfully speaks to women's current circumstances and in some cases seeks to

make mothers' caretaking burdens a subject of political action, yet simultaneously helps to reinforce those burdens by naturalizing and celebrating the maternal role.

That irony comes from new maternalism's elision of the descriptive with the normative: new maternalism correctly acknowledges the current life circumstances of millions of women, but it also tacitly abandons the project of increasing men's engagement in care work and enhancing legal and cultural support for parenting without regard to the parents' sex. In rallying mothers as such, new maternalism valorizes and affirmatively claims parenting and care work as women's private domain to the apparent exclusion of men and with lack of conviction about any broader social responsibility for the care of children. In embracing motherhood and organizing around it, new maternalism leaves out fathers, male partners, relatives, friends, paid caregivers, and the many others whose involvement in care work would not only make mothers' lives easier and more equal but would also help transform the lives of children and the men who care for them.

By propagating a traditional, neo-maternalist image of the mother, new maternalism helps to reproduce a culture in which men are presumed not to have the duty, desire, or ability to be equal or engaged parents. More family-supportive laws and policies, together with a significant cultural shift toward de-gendered caretaking, could help people *both* to work *and* to care for family members. The failure to question the gender imbalance in caregiving or to envision appealing alternatives perpetuates the cultural default rule of women's second shift at home, mommy-track disadvantages at work, and the stigma of paternal caregiving, to the detriment of all. New maternalism undermines its own objective of more and better life choices that would empower mothers and their families.

Whereas second-wave feminism was about women entering a men's world, a new phase of progress for women will depend on bringing men into the domestic domain as involved parents and equal partners at home. One meaning of the old feminist saying, "the personal is political," is that equality in public life depends on equality in private life. It has only become clearer in recent decades how the roles of women and men at home, and our collective cultural assumptions about those roles, will have to undergo a major change before the freedom and equality that so many kinds of advocates have long envisioned can become real. It is not just public laws and policy that should be targeted (and indeed they should) but culture more generally and more intimately, so that mothers stop collaborating in the selling of maternal privilege and expertise, and we all stop buying it. ❀